



**NEW YORK CITY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF ENGINEERING DESIGN & CONSTRUCTION
DEC CASE # CO2-20000107-8**

Combined Sewer Overflow Order on Consent

Quarterly Progress Report – Third Quarter 2008



October 2008



DEPARTMENT OF
ENVIRONMENTAL
PROTECTION

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RE: Order on Consent (CSO Order)
DEC Case # CO2-20000107-8
Citywide CSO Program - Quarterly Report and Quarterly
Meeting Minutes

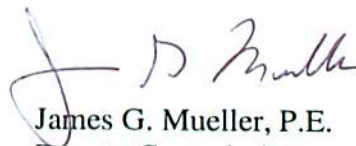
Dear Mr. DiMura:

In accordance with Section IV, Paragraphs A-C of the above referenced Consent Order, the New York City Department of Environmental Protection hereby submits the Citywide CSO Quarterly Report for the period of July 1 through September 30, 2008.

Also enclosed are the meeting minutes from our August 21st CSO Quarterly Meeting held at the Newtown Creek WPCP in Brooklyn, New York. Our next Quarterly Meeting is scheduled for November 20, 2008 at 1:00pm at the Newtown Creek WPCP in Brooklyn, New York.

Should you require further information, please contact me at (718) 595-5973.

Very truly yours,



James G. Mueller, P.E.
Deputy Commissioner



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City of New York
Department of Environmental Protection
Bureau of Engineering Design & Construction

CSO Order on Consent
DEC Case # CO2-20000107-8

QUARTERLY PROGRESS REPORT
THIRD QUARTER 2008
(July 1 – September 30)

October 30, 2008

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1.0. Executive Summary

The Combined Sewer Overflow “CSO” Order on Consent, DEC Case # CO2-20000107-8 (the “Order”); was entered into by the City of New York (“City”) and the New York State Department of Environmental Conservation (“DEC”) on January 14, 2005. Pursuant to Section IV, Paragraph A of the Order, the City shall submit quarterly status reports to DEC (“Quarterly Reports”). The Quarterly Reports shall describe the actions that have been taken toward achieving compliance with this Order during the past three-month period. This Quarterly Report sets forth the status of and progress by the New York City Department of Environmental Protection (“DEP”) in complying with the milestones set forth in the Order during the period from July 1, 2008 to September 30, 2008.

Critical Events This Quarter:

The following critical events occurred this quarter:

- 1) On July 21, 2008, the NYSDEC approved DEP’s request to modify the Notice to Proceed to Construction and Construction Completion milestones for the Interim Dredging of the Hendrix Creek Canal NYSDEC agreed to modify the Notice to Proceed to Construction milestone to twelve (12) months after issuance of the NYSDEC Tidal Wetlands Permit, and to modify the Construction Completion milestone to twenty-four (24) months after the Notice to Proceed to Construction milestone. Accordingly, and as the NYSDEC issued the Tidal Wetlands Permit on August 5, 2008, the modified Notice to Proceed to Construction milestone is August 30, 2009 and the modified Construction Completion milestone is August 30, 2011.**
- 2) On August 5, 2008, the NYCDEP received the Permits necessary to allow for the Interim Dredging of the Hendrix Street Canal. These include: Article 25 – Tidal Wetlands Permit and Article 15 – Protection of Water Permit and Section 401 – Water Quality Certification. As noted within the Permit, a Post-Construction Monitoring Plan is to be submitted to the NYSDEC on October 4, 2008.**
- 3) DEP submitted an update on the Notices of Force Majeure for the Port Richmond Throttling Facility, In-line Storage Facility, and Warnerville/Meadowmere Pump Station and Force Main Projects on August 29, 2008.**
- 4) DEP submitted an update on the Alley Creek CSO Retention Facility Force Majeure on August 20, 2008.**

Major Actions This Quarter:

Table 1 presents the milestones that were met by DEP this quarter and Table 2 shows milestones that were postponed. For each milestone listed in Table 1 below, either met or postponed, written notification was submitted by DEP to DEC. Copies of these certification letters are provided in Appendix A.

Table 1 – Milestones Met (July 2008 - September 2008)

LOCATION/ PROJECT AREA	ITEM DESCRIPTION	ACTION REQUIRED	CONSENT ORDER MILESTONE DATE	DATE MILESTONE WAS ACHIEVED
Outer Harbor	Regulator Improvements - Fixed Orifices	Construction Completion	July 2008	November 2007
Bronx River	Floatables Control	Final Design Completion Including CPM Analysis	July 2008	July 2008

Table 2 – Milestones to be Considered for Potential Modification

LOCATION / PROJECT AREA	ITEM DESCRIPTION	ACTION REQUIRED	REASON FOR POSTPONMENT
Jamaica Tributaries	Expansion of Wet Weather Capacity of Jamaica WPCP	Design and Construction	Alternative approach identified.
Jamaica Tributaries	Destratification Facility	Notice to Proceed to Construction	Unanticipated permit stipulation by NYSDEC

As stipulated by the Order, DEP and DEC held a Quarterly Progress Meeting on August 21, 2008. The meeting was held at the Newtown Creek WPCP in Brooklyn, New York to discuss issues related to the Order and review milestones met during the last quarter.

DEP continued to make progress in the planning, design and construction of its CSO facilities during this quarter, as documented in this report.

Major Actions Next Quarter:

The following major actions are expected to occur between October 2008 and December 2008:

- ◆ Hold the next Quarterly Progress Meeting between DEC and DEP on November 20, 2008 at 1:00pm at the Newtown Creek WPCP in Brooklyn, New York.
- ◆ Submit a modification request for various milestones related to the Newtown Creek CSO plan elements in the Appendix A of the Order.
- ◆ Submit written notification to DEC on the following upcoming milestones:

Table 3 – Milestones to be Met Next Quarter (October 2008 - December 2008)

LOCATION/ PROJECT AREA	ITEM DESCRIPTION	ACTION REQUIRED	DATE TO BE SUBMITTED
Outer Harbor	Port Richmond Throttling Facility	Construction Completion	December 2008
Paerdegat Basin	Dredging of CSO Sediment Mounds at Head-end and Dredging of the Channel at the mouth of Paerdegat Basin	Submittal of Joint Application Permit to USACE and NYSDEC	December 2008
Newtown Creek	Aeration Zone I	Construction Completion	December 2008

2.0. Construction Contracts

The Order contains milestones and schedules governing the planning, design and construction of DEP's Citywide CSO Program. Numerous CSO related facilities will be constructed to reduce combined sewage discharges to the receiving waters surrounding the City. The table below provides a list of construction contracts, identified in Appendix A of the Order, necessary to fulfill the requirements of the Order. This table identifies, by percentage, the estimated amount of construction that has been completed.

Table 4 – Construction Contracts and their Status

WATERBODY	ITEM DESCRIPTION	NOTICE TO PROCEED	CONSTRUCTION COMPLETION	PERCENTAGE OF TIME ELAPSED	PERCENTAGE OF CONSTRUCTION COMPLETED*
Alley Creek	Outfall and Sewer System Improvements	Dec 2002	Dec 2006	100%	100%
	CSO Retention Facility	Dec 2006	Dec 2009	58%	19%
Outer Harbor	Regulator Improvements - Fixed Orifices	Feb 2006	Jul 2008	100%	100%
	Regulator Improvements - Automation	Nov 2007	Jun 2010	32%	30%
	Port Richmond Throttling Facility	Jun 2006	Dec 2008	90%	60%
Inner Harbor	Regulator Improvements - Fixed Orifices	Feb 2003	Apr 2006	100%	100%
	Regulator Improvements - Automation	Nov 2007	Jun 2010	32%	30%
	In-Line Storage	Aug 2007	Aug 2010	36%	65%
Paerdegat Basin	Influent Channel	Feb 1999	Feb 2002	100%	100%
	Foundations and Substructures	Jun 2002	Feb 2009	94%	97%
	Structures and Equipment	Sep 2005	May 2011	53%	78%
Flushing Bay	Reroute and Construct Effluent Channel	Jun 1995	Jun 1996	100%	100%
	Relocate Ball fields	Apr 1995	Aug 1995	100%	100%
	Storage Tank	Jul 1997	Aug 2001	100%	100%
	Mechanical Structures	Mar 2002	Dec 2004	100%	100%
	Tide Gates	Dec 2000	Apr 2002	100%	100%
	Manual Sluice	Feb 2004	Jun 2005	100%	100%

WATERBODY	ITEM DESCRIPTION	NOTICE TO PROCEED	CONSTRUCTION COMPLETION	PERCENTAGE OF TIME ELAPSED	PERCENTAGE OF CONSTRUCTION COMPLETED*
	Gates				
Jamaica Tributaries	Meadowmere & Warnerville DWO Abatement	Jun 2006	Mar 2009	82%	79%
	Expansion of Wet Weather Capacity of Jamaica WPCP	Jun 2012	Jun 2015	-	-
	Destratification Facility	Apr 2009	Nov 2010	-	-
	Regulator Automation	Nov 2007	Jun 2010	32%	30%
Coney Island Creek	Avenue V Pumping Station Upgrade	Nov 2005	Apr 2011	52%	40%
	Avenue V Force Main	Jul 2007	Jun 2012	24%	30%
Newtown Creek	Aeration Zone I	Dec 2005	Dec 2008	92%	56%
	Aeration Zone II	Jun 2011	Jun 2014	-	-
	Relief Sewer / Regulator Modification	Jun 2010	Jun 2014	-	-
	Throttling Facility	Jun 2009	Dec 2012	-	-
	CSO Storage Facility	Dec 2015	Dec 2022	-	-
Westchester Creek	Phase I (Influent Sewers)	Jun 2011	Jun 2015	-	-
	CSO Storage Facility	Dec 2015	Dec 2022	-	-
Bronx River	Floatables Control	Jun 2009	Jun 2012	-	-
Hutchinson River	Phase I of the Storage Facility	Jun 2011	Jun 2015	-	-
	Future Phases	Dec 2016	Dec 2023	-	-
Jamaica Bay	Spring Creek AWPCP Upgrade	Mar 2003	Apr 2007	100%	100%
	26th Ward Drainage Area Sewer Cleaning and Evaluation	Jun 2008	Jun 2010	13%	<1%
	Hendrix Creek Dredging	Aug 2009	Aug 2011	13%	-
	26th Ward Wet Weather Expansion	Jun 2011	Dec 2015	-	-

*Note, Percentage Construction Completion is sometimes tracked based on cost incurred

3.0. Detailed Description of Work Performed

3.1. Alley Creek CSO

The Alley Creek CSO Facilities Planning area consists of the drainage area of CSO Outfall TI-008, which discharges into Alley Creek at a location just south of Northern Boulevard on the west bank of Alley Creek. Little Neck Bay and Alley Creek receive discharges from 31 stormwater outfalls, as well as CSO Outfall TI-008; however, discharges from CSO Outfall TI-008 were determined to be the primary cause of water quality degradation within Alley Creek. CSO Outfall TI-008 serves a drainage area of approximately 1,975 acres within the Tallman Island Water Pollution Control Plant (WPCP) service area in the Borough of Queens. The Alley Creek Drainage Area Improvements/CSO Abatement Facilities Project, which has been designated as Phase I of the comprehensive Alley Creek CSO Abatement Facilities Plan, is being constructed in two stages:

1. Alley Creek Drainage Area Improvements (Phase I, Stage 1, Contract ER-AC1) and,
2. Alley Creek CSO Abatement Facilities (Phase I, Stage 2, Contract ER-AC2)

This section reports on the progress of Phase I, Stages 1 and 2 of the Alley Creek CSO Abatement Facilities Plan.

Phase I, Stage 1 (Contract ER-AC1) includes the construction of additional water mains, stormwater sewers and combined sewers, a double-barrel outfall sewer, an outfall structure, and a 5 million gallon CSO storage facility to substantially reduce street flooding and sewer surcharging; and to abate CSO discharges into Alley Creek within the CSO Outfall TI-008 drainage area.

Phase I, Stage 2 (Contract ER-AC2) includes activation of the 5 MG CSO storage facility, upgrading the Old Douglaston Pumping Station to enhance the station's reliability to pump the captured combined sewage to the interceptor system for conveyance to the Tallman Island WPCP for treatment, rehabilitation of the CSO Outfall TI-008 structure, and restoration of a 1.51-acre area surrounding CSO Outfall TI-008 to include restoration/creation of wetlands and replacement of invasive vegetation with indigenous plantings as mitigation for the area disturbed as a result of rehabilitation of the outfall structure.

Work Performed During This Quarter

Construction

- Alley Creek Drainage Area Improvements – Phase I, Stage 1, Contract ER-AC1
 - ◆ **Construction phase activities continued for Contract ER-AC1. The only remaining work consisted of the completion of the “As-Built” survey. Construction of Contract ER-AC1 is currently 100 percent complete of all Consent Order related work.**
 - ◆ Implementation of the post-construction erosion monitoring plan entitled “Erosion Monitoring Plan, Alley Creek CSO Facility,” dated May 24, 2002 for the CSO storage

facility and new outfall continued. **The erosion monitoring phase has been completed and a final report is being prepared.**

- ◆ The Alley Park Environmental Restoration Monitoring Plan was revised and re-submitted to the NYSDEC on May 12, 2008 and approved on June 9, 2008.
- ◆ **Construction progress meetings were held on July 2, 2008, August 1, 2008 and September 5, 2008 at the Engineer's field office.**
- ◆ **An issues and tasks meeting was held on September 26, 2008 at the Engineer's field office.**
- Alley Creek CSO Abatement Facilities – Phase I, Stage 2, Contract ER-AC2
 - ◆ Activities continued for Contract ER-AC2. The principal work included submittal of shop drawings by the Contractor and review of the drawings by the Engineer, obtaining permits and approvals from regulatory/approval agencies, **negotiation of change orders and general coordination of construction activities**. Construction of Contract ER-AC2 is currently about **19** percent complete.
 - ◆ In mid-November 2007, the DEP issued a registered letter to the NYSDEC regarding a Notice of Force Majeure for stoppage of all construction activities on the interim pumping station in Contract ER-AC2 due to the deteriorated condition of an existing pile-supported, 36-inch diameter influent sewer within the work zone. **An update on this Force Majeure was submitted on August 20, 2008.** The impact of this stoppage has resulted in a projected delay in meeting the Consent Order date. The DEP has completed negotiations with the Contractor regarding the additional cost for the removal and replacement of the existing pile-supported 36-inch diameter influent sewer within the work zone. The Change Order is currently being processed. No work on the interim station will occur due to the Force Majeure condition unless the contractor proceeds at risk. **The Contractor began work on the replacement of the existing 36-inch diameter sewer on July 9, 2008, completed it on 8/15/08, and thereafter continued with the contract work.**
 - ◆ **On July 16, 2008, an instrumentation kick-off meeting was held at the Engineer's field office.**
 - ◆ **On August 7, 2008, Contract Modification 5A was issued for revisions to the scope of work for sealing interior walls with an epoxy sealant treatment.**
 - ◆ **On September 26, 2008, Contract Modification 9 was issued for expanding the scope of work for the reconstruction of Outfall TI-008. During demolition of the wing walls, additional deterioration of the slab was discovered. This work is included in Change order ER-AC2-11.**
 - ◆ **On September 26, 2008, Change Order No. 9 was identified to establish a Contract Allowance for future unexpected requirements of oversight agencies.**
 - ◆ **Construction progress meetings were held on July 2, 2008, August 1, 2008 and September 5, 2008 at the Engineer's field office for Contract ER-AC2.**

- ◆ **An issues and tasks meeting was held on September 26, 2008 at the Engineer's field office for Contract ER-AC2.**

Missed Milestones

- ◆ There are no missed milestones.

Anticipated Activities for Next Quarter

- Alley Creek Drainage Area Improvements – Phase I, Stage 1, Contract ER-AC1
 - ◆ Construction closeout activities will continue including finalization and registration of outstanding contract changes and the work associated with such change orders.
 - ◆ Implementation of the post-construction erosion monitoring plan for the CSO storage facility and new outfall will continue. **Preparation and submission of a Final Report documenting the monitoring activity at Outfall TI-025 and impacts on Alley Creek.**
 - ◆ Construction close-out meetings and issues and tasks meetings will be held at the Engineer's field office, as needed, as determined by the DEP.
- Alley Creek CSO Abatement Facilities – Phase I, Stage 2, Contract ER-AC2
 - ◆ Construction of Contract ER-AC2 will continue. The principal work will include construction of the Interim Pumping Station, construction of the sampling chamber, construction of electrical ducts and manholes north of Northern Boulevard, rebuilding of Outfall TI-008, obtaining permits and approvals from regulatory/ approval agencies, and submittal and review of shop drawings.
 - ◆ The monitoring plan for the wetland/upland areas to be created/restored under Contract ER-AC2 will be reviewed by the NYSDEC.
 - ◆ Monthly construction progress and issues and tasks meetings will be held at the Engineer's field office.
 - ◆ Change orders to Contract ER-AC2 will continue to be prepared and processed. Shop drawings, RFIs, etc. will be submitted and responses provided.
 - ◆ **DEP continues to work with the contractor to develop a schedule to mitigate delays of the Force Majeure event. Mitigation alternatives including additional work shifts and increased staffing by the contractor, reducing equipment fabrication time, and restaging work continue to be explored. An updated schedule will be provided when viable recovery alternatives are established.**

Table 5 – Alley Creek CSO Project

	<i>Phase I, Stage 1</i>	<i>Phase I, Stage 2</i>
Plan Elements:	Alley Creek Drainage Area Improvements	Alley Creek CSO Abatement Facilities
Location:	46th Avenue, 53rd Avenue, 56th Avenue, Bell Boulevard, Luke Place, 214th Street, 215th Street, 216th Street, 217th Street, Springfield Boulevard, Cloverdale Boulevard, Cross Island Parkway, Northern Boulevard and Alley Park in Bayside, Queens	Northern Boulevard and Alley Park in Bayside, Queens
Actions:	Construction of additional water mains, stormwater and combined sewers, catch basins, outfall sewer and outfall structure to effect improved drainage in areas upstream of CSO Outfall TI-008 in Bayside, Queens; construction of 5 MG CSO storage facility for CSO abatement within Alley Creek	Design and construction of modifications to the Old Douglaston Pumping Station including air treatment facilities to treat air exhausted from the CSO storage facility and the pumping station; design and construction of hydraulic control structures and facilities to activate the 5 MG CSO storage facility constructed under Phase I, Stage 1; rehabilitation of the CSO Outfall TI-008 structure; restoration of a 1.51-acre wetland area surrounding CSO Outfall TI-008
Cost:	\$101,963,924	\$29,929,929
Status:	Construction completed. Final close-out period.	19% complete with construction activities Notice of Force Majeure submitted to DEC in November 2007 Construction activities have resumed. Recovery schedule to be developed

3.2. Outer Harbor CSO

The Outer Harbor CSO Facility Planning area consists of the drainage areas of the Port Richmond, Oakwood Beach, Owls Head and Coney Island (separately sewered area) Water Pollution Control Plants (WPCPs) and their associated sewers and pumping stations. The receiving waters of the study area include the New York limits of the Raritan Bay, Arthur Kill and Kill Van Kull, Upper New York Bay waters to the boundary of the Inner Harbor CSO Project, the Narrows, Gravesend Bay, Lower New York Bay, Richmond Creek and Lemon Creek. This section reports on the progress for Phase I – Regulator Improvements (Fixed Orifices) and Phase II – Throttling Facility. In addition, the automation of key regulators will be accomplished under the Citywide SCADA Project.

Phase I will provide improvements to 32 regulators in the Outer Harbor study area. Phase II entails the construction of a throttling facility in the Port Richmond east interceptor, which will provide the ability to store up to 5 MG upstream of the Port Richmond WPCP. The Citywide SCADA Project will automate regulators in Outer Harbor.

Work Performed During This Quarter

Construction

- Regulator Automation
 - ◆ **Construction activities were continued during this quarter. The contractor is conducting contract work at regulator sites, performing site inspections and obtaining necessary permits.**
 - ◆ **A meeting was conducted on August 18, 2008 with the contractor, and the DEP to discuss the updated schedule. After another meeting on September 17, 2008, the updated schedule of August 22 was accepted on September 23, 2008.**
 - ◆ **Weekly construction meetings occurred on July 10, July 31, August 14, August 21, August 28, September 4, September 11, September 18 and September 25.**
 - ◆ **Monthly Progress Meetings occurred on July 17, August 21 and September 25.**
- Phase I Regulator Improvements
 - ◆ **Construction complete. The certification of construction completion was submitted to DEC and a final inspection was completed by DEC. In a letter date June 30, 2008, DEC certified compliance with the construction completion milestone.**
- Phase II Throttling Facility
 - ◆ Continued shop drawing reviews and RFI responses
 - ◆ **Due to continuing unforeseen field conditions, difficulties with the effectiveness of the dewatering system continued during this reporting period. Currently,**

approximately 12 dewatering wells are pumping over 3 MGD, which is greater than what was expected during final design. There are delays to the project schedule and completion date due to the extended time required to handle the unanticipated volume and presence of groundwater seen at the project site. Dewatering of the excavation was finally achieved at the end of September, and preparations to pour the bottom slab were initiated. DEP notified NYSDEC of the Force Majeure event in a November 21, 2007 letter and updates on the Force Majeure in a February 15, 2008 letter and an August 29, 2008 letter.

- ◆ On 7/01, 7/23 and 9/23, additional design staff meetings were held at DEP's offices (Queens) to discuss change orders and recovery plans to overcome the unanticipated field conditions.
- ◆ A new structural design concept was initiated in order that the installation of the throttling gate would be facilitated in the event that the Port Richmond plant operating procedure did not change from current conditions. A change to the operating procedure from current conditions is necessary to lower the level of dry weather flow back to manageable conditions (2-3 feet during off-peak hours).
- ◆ Regular monthly construction progress meetings were held on 7/8, 8/05 and 9/09.

Missed Milestones

- ◆ There are no missed milestones.

Anticipated Activities for Next Quarter

Construction

- Regulator Automation
 - ◆ Construction activities will continue. The contractor is conducting contract work, performing site visits to regulator sites and obtaining necessary permits.
- Phase II Throttling Facility
 - ◆ Continue to address DSDC activities for the ongoing construction. The contractor will continue main pit construction activities including the pouring of the base slab and walls and the installation of the gate and frame.
 - ◆ As a result of the Force Majeure events, the DEP will need an extension of the construction completion milestone.

Table 6 – Outer Harbor CSO Project

	<i>Phase I</i>	<i>Phase II</i>	<i>Citywide SCADA</i>
Plan Elements:	Regulator Improvements – Fixed Orifices	Throttling Facility	Regulator Improvements – Automation
Location:	32 regulator sites throughout Brooklyn and Staten Island	Port Richmond WPCP	Regulator sites throughout Brooklyn and Staten Island
Actions:	Conversion to manually operated sluice gates, replacement of stop plank guides, manhole steps, standardization of manhole cover sizes	Installation of throttling facility and sluice gate in Port Richmond east interceptor sewer	Conversion to automated regulators
Construction Cost:	\$4,390,100	\$3,850,000	\$2,842,000
Status:	Construction Complete	Construction 60% complete.	Construction 30% Complete
Other Issues:	-	Delays to project due to unanticipated field conditions (dewatering).	-

3.3. Inner Harbor CSO

The Inner Harbor CSO Facility Planning area consists of the drainage areas of the North River, Newtown Creek, and Red Hook Water Pollution Control Plants (WPCPs) and their associated sewers and pumping stations. The receiving waters of the study area include the Lower East River, Hudson River, Upper New York Bay, and Gowanus Canal and Bay. This section reports on the progress of Phase I (Regulator Improvements) and Phase II (In-Line Storage). In addition, the automation of key regulators will be accomplished under the Citywide SCADA Project.

Phase I provides improvements to 72 regulators in the Inner Harbor study area. Phase II provides for in-line storage at two inflatable dam locations in the study area. The Citywide SCADA Project will automate regulators in Inner Harbor.

Work Performed During This Quarter

Design

- In-line Storage
 - ◆ DEP submitted a Notice of Force Majeure in December 2007 to NYSDEC due to unanticipated subsurface conditions and discontinuation of equipment by the specified dam manufacturer. DEP has not yet determined the impact of these events on compliance with the construction completion milestone date. **An update on this Force Majeure event was submitted in a letter dated August 29, 2008.**
 - ◆ **Review of shop drawings, response to RFIs and meetings continued this quarter.**

Construction

- Regulator Automation
 - ◆ **Construction activities were continued during this quarter. The contractor is conducting contract work at regulator sites, performing site inspections and obtaining necessary permits.**
 - ◆ **A meeting was conducted on August 18, 2008 with the contractor, and the DEP to discuss the updated schedule. After another meeting on September 17, 2008, the updated schedule of August 22 was accepted on September 23, 2008.**
 - ◆ **Weekly construction meetings occurred on July 10, July 31, August 14, August 21, August 28, September 4, September 11, September 18 and September 25.**
 - ◆ **Monthly Progress Meetings occurred on July 17, August 21 and September 25.**
- Regulator Improvements
 - ◆ Work is complete on the construction of Phase I, which was broken up into two contracts: Brooklyn Regulator Improvements (32 regulators) and Manhattan Regulator Improvements (40 regulators). The certification of construction completion was submitted to DEC on January 24 and the final inspection was completed by DEC. In a

letter dated March 20, 2006, DEC certified compliance with the construction completion milestone.

- In-line Storage
 - ◆ **The Contractor continued construction. Some activities started this quarter include finish construction of the control vault at both sites, started construction of the dam chamber at the B-6 site and initiated the modified excavation support for the chemical grouting to be done at the R-20 site.**
 - ◆ **The Long Island Well permit was modified and extended to allow higher dewatering flow at the B-6 site, this modification was granted with the condition of renewing the discharge permit with the DEP. A dewatering permit was renewed for discharge and will expired October 26, 2008. Dewatering activities are expected to finish before then.**

Missed Milestones

- ◆ There are no missed milestones.

Anticipated Activities for Next Quarter

Design

- In-line Storage
 - ◆ **Design is completed. Changes to the contract drawings due to the utility obstructions/interferences will be part of Change Order No. 1.**

Construction

- Regulator Automation
 - ◆ **Construction activities will continue. The contractor is conducting site visits to regulator sites and obtaining necessary permits**
- In-line Storage
 - ◆ **Continue construction activities. Continue negotiations for Change Order No. 1. Review shop drawing submittals and coordinate future activities with contractor.**

Table 7 – Inner Harbor CSO Project

	<i>Phase I</i>	<i>Phase II</i>	<i>Citywide SCADA</i>
Plan Elements:	Regulator Improvements – Fixed Orifices	In-Line Storage	Regulator Improvements – Automation
Location:	72 regulator sites in Manhattan and Brooklyn	Upstream of regulators B-6 and R-20 in Brooklyn	Regulator sites in Manhattan and Brooklyn
Actions:	Conversion to fixed orifices	Installation of two inflatable dams in the combined sewer systems	Conversion to automated regulators
Construction Cost:	\$9,500,000	\$11,200,000	\$13,737,000
Status:	Construction Complete	Under construction, 65% complete	Construction 30% Complete
Other Issues:		Force Majeure submitted to DEC in December 2007	

3.4. Paerdegat Basin CSO

The Paerdegat Basin CSO Retention Facility is located in southeastern Brooklyn, at the intersection of Flatlands and Ralph Avenues. The facility will receive combined sewer overflows from outfalls CI-004, CI-005, and CI-006, a drainage area of approximately 6,000 acres in the Coney Island WPCP service area. Once constructed, the facility will consist of a four (4) bay underground storage tank and operations buildings. The stored CSO will be pumped back to the Coney Island WPCP for treatment after each rain event. This section reports on the progress of Phase IA – Influent Channels, Phase II – Foundations and Substructures, and Phase III – Structures and Equipment.

Phase IA includes construction of a major portion of the influent channels and the relief weir. Phase II includes construction of the CSO tank and building foundations and dredging of the basin. Phase III entails construction of the aboveground structures including Pump Back Building, Odor Control Building, Screening Building and Collection Facilities Building; also completion of the influent channels and reconstruction of the outfalls, installation of all mechanical equipment and start-up of the CSO facility.

Work Performed During This Quarter

Planning

- ◆ Submitted to DEC and EFC the Paerdegat Basin Drainage Specific LTCP report in November 2005, in compliance with the milestone date in the CSO Consent Order. Transmitted a response to DEC comments and revised LTCP on June 30, 2006.
- ◆ DEP approved the Paerdegat Basin LTCP in a letter dated February 1, 2007 (DiMura to Mueller).
- ◆ **Fieldwork necessary to complete the Joint Application Permit to allow for dredging of CSO sediments at the head-end of Paerdegat Basin and to improve the navigational channel at the mouth of the basin was completed this period.**

Design

- Phase I A – Influent Channels
 - ◆ 100% complete
- Phase II – Foundations and Substructures
 - ◆ Underground CSO Tank design 100% complete.
- Phase III – Superstructures and Equipment
 - ◆ Construction of the facility buildings (Pump Back, Odor Control, Screenings Building and Collection Facilities South headquarters) design 100% complete.

Construction

- Phase I A – Influent Channels

- ◆ Construction completed in 2002.
- Phase II – Foundations and Substructures
 - ◆ Construction work had ceased at approximately 97% complete due to the default of the contractor on December 6, 2007 by the Department pursuant to Articles 48.1.3, 48.1.4, 48.1.9, 48.1.10, 48.1.11 and 48.1.12 of the Contract.
 - ◆ Representatives of Department, the CM and the CM for the Surety continue to meet on a weekly basis to discuss critical work items impacting and impeding Contracts' CSO-5 from completing specific contract work activities. As a result critical work impacting the CSO-5 contracts was transferred in two incidences under change order CSO-5G-33 and CSO-5E-19. A credit change order for the same value was issued to the Surety under credit change orders CSO-4B-15 and CSO-4B-17 respectively.
 - ◆ The Surety negotiated an agreement with Skanska to complete the remaining civil with the exception of the instrumented tiedown anchors, marine work and the removal of soil from the NYC Parks Department. Skanska was accepted by the Department as a subcontractor/completing contractor for the Surety and the Surety issued a notice to proceed to Skanska on September 29, 2008. Skanska began, rubbing and patching concrete walls, surveying and installing reinforcing steel for the effluent trough in CSO Tank No. 2.
 - ◆ The Surety submitted Gramercy Construction Group as a subcontractor/completing contractor for the remaining marine work. Gramercy was denied approval by the Department and the Surety is evaluating the situation before proceeding with a new course of action.
- Phase III - Superstructures and Equipment
 - ◆ Construction work has continued and is approximately 78% complete.
 - ◆ The 5G Contractor continued installation of the flushing gates and the hydraulic operators in the CSO Tanks; began installation of the CSO Pump Back Pumps in the Pump Back Building (PBB) continued installation of stainless steel structural batten seam roofing, soffit and fascia on the PBB, Odor Control Building (OCB) and Screenings Building (SB); continued installation of the CSO Tank vertical drop down ladders and stainless steel access platform ladders; began installation of ornamental fencing and sea rail fencing. Contractor also continued excavation by the Influent Channels; completed demolition of the 138-inch two barrel sewer; completed placement of the Five Barrel Influent Channel base slab and began installation of the Five Barrel Influent Channel walls and tide gates.
 - ◆ The 5E Contractor completed installation of the emergency generator, low noise radiator and load bank to meet all conditions of the conditional approval of the FDNY; completed energization of MCCs 1531, 1532 and 1533 in the PBB, OCB and SB; began pulling cable and wire to various pieces of equipment in the PBB, OCB and SB; continued installation of security equipment in the CFS Building; continued terminating conductors for, telephone and intercom in the PBB; continued

installation of lighting fixtures in the PBB, OCB and SB as well as hot testing light fixtures in the PBB and OCB. Contractor also continued installation of duct banks on the west side of the PBB, OCB and SB and began installation of site lighting.

- ◆ **The 5H Contractor continued installation of stainless steel ductwork and plenums, HWS & HWR piping and insulation for piping and ductwork in the PBB, OCB and SB; continued pulling and terminating control wiring in the PBB, OCB and SB; completed installation of two exhaust fans in the PBB. Contractor also continued installation of three (3) hot water boilers with associated piping and controls.**
- ◆ **The 5P Contractor installed insulation on piping in the CFS Building, extended vent piping in the CFS Building and completed fixture weight testing in the CFS Building. Contractor also continued installation of vent piping in the PBB and OCB.**

Postponed Milestones

- ◆ None.

Anticipated Activities for Next Quarter

Planning

- ◆ **Submit Joint Application Permit to include Essential Fish Habitat Assessment to the NYSDEC and USACE.**

Construction

- **Phase II - Foundations and Substructures**
 - ◆ **The Surety will proceed with the remaining marine work after submitting an acceptable completing contractor.**
 - ◆ **The Surety will proceed with the instrumented tiedown anchor work after submittal and acceptance of a completing contractor.**
 - ◆ **The Surety will receive the results of the soil analysis of soil stockpiled on NYC Parks and Recreation property and proceed with the removal based on the results.**
 - ◆ **The civil work completing contractor Skanska will continue rubbing and patching concrete in the CSO Tanks; continue installing reinforcing steel for the effluent trough in the CSO Tanks and continue installation of training walls in the CSO Tanks**
- **Phase III - Superstructures and Equipment**
 - ◆ **Work will continue on the construction in order to meet the modified milestone date for Construction Completion Date of May 2011.**
 - ◆ **The 5G Contractor will complete punch list work in the CFS Building. Contractor will also continue installation of flushing gates and associated hydraulic piping and**

panels in the CSO Tanks; continue installation of the stainless steel access platform ladders and framing on the north side of the CSO Tanks; continue installation of vertical drop down ladders in the CSO Tanks; complete installation of stainless steel structural batten seam roofing on the PBB, OCB and SB; continue painting piping and walls in the PBB, OCB and SB; continue installation of odor control ductwork in the OCB; complete installation of service air piping in the PBB, OCB and SB; complete installation of the pump back pumps in the PBB; complete installation of the pump back grit pumps in the PBB and complete installation of 42-inch CSO force main, 12-inch grit piping and associated valves in the PBB. Contractor will also complete installation of stainless steel sea-rail on the North side of the CSO Tanks; begin installation of ornamental picket fence around the project site and complete placement of concrete topping in the PBB, OCB and SB.

- ◆ The 5E Contractor will complete punch list work in the CFS Building and training of DEP personnel on equipment in the CFS Building. Contractor will also continue installation of RGS conduit and conduit racks for lighting, fire alarms, telephones and paging in the PBB, OCB and SB; continue pulling, testing and terminating cable and wire for the fire alarms, paging, power and lighting systems in the PBB, OCB and SB; begin pulling, testing and terminating cable and wire for site lighting on the North of the CSO Tanks and west of the process buildings; continue installing ductbanks for site lighting on the west side of the process buildings and continue ductbank installation for control wire on the west side of the process building. Contractor will also continue pulling testing and terminating cable and wire for various pieces of equipment in the PBB, OCB and SB.
- ◆ The 5H Contractor will complete punchlist work in the CFS Building. Contractor will also complete installation of stainless steel ductwork in the PBB, OCB and SB; continue installation of ductwork in the CSO Tank Corridor and CSO Tanks; will continue installation of HWS & HWR piping, refrigeration piping, insulation and fire stopping in the PBB, OCB, and SB. Contractor will also begin installation of registers and access doors in the CSO Tanks; complete flushing and hydrostatic leak tests on HWS & HWR piping in the OCB and SB; complete testing of refrigerant piping in the PBB and OCB and begin installation of exhaust fans EF-7304 and EF-7305 in the SB..
- ◆ The 5P Contractor will complete insulation of various piping in the PBB, OCB and SB; complete installation of vent piping in the PBB, OCB and SB; complete roof penetrations for piping in the PBB, OCB and SB; begin flushing of all piping in the PBB, OCB and SB and begin training DEP personnel on various pieces of equipment.

Table 8 – Paerdegat Basin CSO Project

	<i>Phase IA</i>	<i>Phase II</i>	<i>Phase III</i>
Construction Phase:	Influent Channels	Foundations and Substructures	Structures and Equipment
Location:	Flatlands and Ralph Avenues, Brooklyn, NY	West Shore of Paerdegat Basin	West Shore of Paerdegat Basin
Actions:	Construction of the influent channels to the CSO facility	Underground structural elements	Aboveground buildings and equipment
Cost:	\$9,000,000	\$123,291,328	\$186,255,531
Status:	Construction completed.	NTP issued on 6/24/02. Construction 97% complete.	NTP issued on 9/26/05. Construction 78% complete.
Other Issues:	-	<p>Dredging of the mouth of the Basin postponed indefinitely due to Belt Pkwy Bridge damage.</p> <p>A written notice of a Request for Modification of a Milestone Date was submitted to DEC on October 31, 2006. NYCDEP received a modified completion date of February 2008 as set forth in Appendix A, IV. Paerdegat Basin CSO, D. Foundations and Substructures, 4.</p> <p>NYCDEP received a modified completion date of May 2011 as set forth in Appendix A, IV. Paerdegat Basin CSO, E. Structures and Equipment, 4.</p> <p>The Contractor was held in default in December 2007. The Surety has since submitted two completion contractors for different work. One completion contractor, Skanska, was found acceptable to perform civil work and has begun.</p> <p>The completion contractor submitted to complete marine work was denied approval by the Department.</p>	-

3.5. Flushing Bay CSO

The Flushing Bay CSO Retention Facility is an underground storage tank, which has a storage capacity of 43 million gallons, 28 MG in the tank and 15 MG in the upstream sewers. The project was constructed in phases to provide abatement in the Tallman Island WPCP drainage area at CSO Outfall TI-010 which discharges to the head of Flushing Creek. The elements of the facility include:

- ◆ Relocation of ball fields in Kissena Corridor
- ◆ Rerouting of Park Drive East CSO line inside the construction site and construction of the effluent channel
- ◆ Phase 1 construction of the underground structural elements of the tank
- ◆ Phase 2 construction of the mechanical and above-ground portion of the facility
- ◆ Construction of tide gates on the tank outfall sewer and construction of two (2) soccer fields

Work Performed During This Quarter

Construction

- DEP certified construction completion of the Flushing Bay CSO Retention Facility on May 31, 2007.

Missed Milestones

- ◆ A written notice of a “force majeure” event was submitted to DEC on September 24, 2004. This event has affected compliance with the Construction Completion milestone date of December 2004 for the Flushing Bay CS4-4 (Mechanical Structures) in the Order.
- ◆ On September 8, 2004, rainfall at LaGuardia Airport was recorded by the National Weather Service at three inches in a three hour time period. This torrential rain event caused flooding in the basement of the Flushing Bay facility due to a breach in a temporary construction bulkhead in the influent sewer line to the facility. Water levels reached seven to eight feet above the basement floor at the CSO facility which caused damage to various mechanical, HVAC and electrical equipment.
- ◆ DEC requested that DEP provide additional information in a formal report concerning the force majeure event and resultant impact upon the facility and construction status. DEP submitted such report on April 1, 2005.
- ◆ The Flushing Bay CS4-4 milestone was modified pursuant to the 2008 CSO Order Modification.

Anticipated Activities for Next Quarter

- ◆ **Contractor to continue punchlist activities.**

Table 9 – Flushing Bay CSO Project

Plan Elements:	Flushing Bay CSO Retention Facility
Location:	Intersection of College Point Boulevard and Avery Avenue, Queens
Actions:	Design and construction of a 43 MG storage facility, which includes a 28 MG, underground storage tank and 15 MG in-line storage in upstream sewers. The facility collects flow from the system tributary to the TI-010 outfall.
Cost:	\$291,000,000
Status:	Construction Completion milestone was met on 5/17/07
Other Issues:	

3.6. Jamaica Tributaries CSO

The Jamaica Tributaries project area includes the Jamaica WPCP sewer shed area and the tributaries, which receive the wet weather discharges from the drainage area. These tributaries include Bergen, Thurston, Shellbank, and Hawtree Basins, which are located in the northeast portion of Jamaica Bay. There are several recommendations that are being advanced in this facility plan which include:

- ◆ Meadowmere & Warnerville DWO Abatement – Construction of a new pumping station, force main, and sanitary sewer collection system in southeast Queens, NY, to convey flows from the communities of Meadowmere and Warnerville into the Jamaica drainage area collection system, for treatment at the Jamaica WPCP. This project will eliminate the dry weather discharge that is currently occurring in these two communities, which are not connected to NYC's collection system.
- ◆ Expansion of Wet Weather Capacity of Jamaica WPCP – An additional 50 mgd of wet weather flow will be treated at the Jamaica WPCP to reduce the CSO discharges to Bergen Basin. Recent analyses indicate that this element has limited water quality benefits. Alternative actions have been analyzed and included in the Waterbody/Watershed plan that were submitted to DEC in June 2007.
- ◆ Destratification Facility – Installation of a permanent diffused-air bubble mixing system at Shellbank Basin. The system is designed to eliminate temperature stratification during the summer season, which leads to poor water quality conditions in the basin, odors and marine life kills. This element currently has an operating pilot facility, which has produced positive water and air quality results for the past 8 summer seasons.
- ◆ Laurelton and Springfield Blvd. Drainage Plan – A drainage plan for 7,000 acres in southeast Queens is being developed to address flooding and to construct high-level storm sewers in a 1,450 acre CSO drainage area tributary to Thurston Basin. The drainage plan identifies the necessary capital sewer projects to alleviate flooding and convert the aforementioned CSO area to a high-level storm sewer system.
- ◆ Regulator Automation – Automation of key regulators was recommended in response to the 1988 State Pollution Discharge Elimination System (SPDES) permit requirements that called for telemetry in the regulators to detect dry weather overflows. It was recommended at those regulators contributing the largest flows to the treatment plants, specifically Regulators 2, 3, and 14 in the Jamaica WPCP drainage area. The Citywide Collection Facilities Supervisory Control and Data Acquisition (SCADA) System Project will automate key regulators in the City by installing electro-hydraulic actuators capable of controlling flows to the sewer interceptor.

Work Performed During This Quarter

Planning

- Destratification Facility
 - ♦ A sampling plan was developed for the basin; sampling started June 3, 2008 and has continued every Tuesday. Dissolved Oxygen, temperature and salinity were measured at 20 different locations within the basin at five-foot vertical intervals from the surface to bottom, new depths were added to the sampling at 1.5 and 2.5 feet from the surface starting on August 26, 2008. The data together with graphs has been sent to DEC Marine Section the following day. The system was placed in service after the July 1st sampling event and remained on for two weeks. The system was then alternated between “on” and “off” every two weeks until the end of the month at the direction of DEC until August 28. During the period of time while the system was off in August, DEP received an extensive amount of odor complaints from the community board and elected officials. In addition, fishkills were reported. Dead fish were removed by DEP from the basin. The system remained on for the month of September.
- Drainage Plan
 - ♦ BWSO submitted the Laurelton and Springfield Blvd. drainage plan for storm sewer buildout on May 31, 2008 in accordance with the modified date granted by DEC in February 2008.

Design

- Expansion of Wet Weather Capacity of the Jamaica WPCP
 - ♦ DEP submitted a Request for Modification of project and milestones associated with the expansion of the wet weather capacity of the Jamaica WPCP. The basis of this request is the identification of an alternative approach that is expected to result in a greater degree of CSO reduction. However, based on discussions with the DEC this modification request will need to be modified to achieve construction completion in a similar time frame as current mandated projects and will include a period to conduct field flow measurements.

Construction

- Destratification Facility
 - ♦ No activity; awaiting DEC resolution on permit.
- Regulator Automation
 - ♦ Construction activities were continued during this quarter. The contractor is conducting contract work at regulator sites, performing site inspections and obtaining necessary permits.
 - ♦ A meeting was conducted on August 18, 2008 with the contractor, and the DEP to discuss the updated schedule. After another meeting on September 17, 2008, the updated schedule of August 22 was accepted on September 23, 2008.

- ◆ **Weekly construction meetings occurred on July 10, July 31, August 14, August 21, August 28, September 4, September 11, September 18 and September 25.**
- ◆ **Monthly Progress Meetings occurred on July 17, August 21 and September 25.**
- **Meadowmere/Warnerville**
 - ◆ **Continued DSDC activities for the Meadowmere & Warnerville project. Construction is 79% complete.**
 - ◆ **Contractor is continuing construction on the pumping station, electrical control building, microtunneling on Rockaway and Brookville Boulevard, and HDD force main work.**
 - ◆ **NYCDOT permit to microtunnel on Rockaway Boulevard has been secured. Microtunneling on Rockaway Boulevard is expected to be complete on November 20th.**

Anticipated Activities for Next Quarter

Design

- **Destratification Facility**
 - ◆ **Continue sampling until October 14, providing data and graphs weekly to DEC marine section. The results of this sampling will allow DEC the review of the permit for the permanent facility.**

Construction

- **Regulator Automation**
 - ◆ **Construction activities will continue. The contractor is conducting site visits to regulator sites and obtaining necessary permits**
- **Meadowmere/Warnerville**
 - ◆ **Secure updated NYCDOT permit for street work associated with stage 2 and 3 of the micro-tunneling activities on Rockaway Boulevard. Continue construction work required for the pump station and the electrical control room. Begin re-drilling of force main in Brookville Blvd. for the portion of the HDD work that was abandon due unforeseen below grade timber obstructions.**
- **Jamaica WPCP Wet Weather Expansion**
 - ◆ **A new modification request will be submitted to the DEC and if acceptable, the WWFP will be revised consistent with this modification request.**

Table 10 – Jamaica Tributaries CSO Project

Plan Elements:	Meadowmere & Warnerville DWO Abatement	Expansion of Wet Weather Capacity of Jamaica WPCP	Destratification	Laurelton and Springfield Blvd. Drainage Plan	Regulator Automation
Location:	Meadowmere and Warnerville – Queens, New York	Bergen Basin	Shellbank Basin	Jamaica WPCP Drainage Area	Regulators 2,3 and 14
Actions:	Construction of a Pumping Station, Sewer Collection System, and Dual Force Main	Provide an additional 50 mgd of wet weather capacity at the Jamaica WPCP.	Conduct Demonstration Construct Permanent Facility	Develop drainage plan for storm sewer build out	Provide automated regulators
Construction Cost:	\$30,648,888	\$120 million	\$3,800,000	To be determined	\$1,421,000
Status:	Construction 79% complete. DSDC activities continued.	Recent analyses indicate that this element has limited water quality benefits. A new modification request is being prepared to allow for sewer system modifications as well as post construction flow monitoring to quantify maximum flows to the treatment facility	Permit under review by USACE and NYSDEC. Site acquisition in progress. Force Majeure/Request for Modification Request submitted.	Drainage planning complete.	Construction 30% Complete.

3.7. Coney Island Creek CSO

The recommended plan for the Coney Island Creek CSO Facility Planning Project is to increase the wet weather pumping capacity of the Avenue V Pumping Station. The Avenue V Pumping Station tributary area encompasses 2,900 acres, of which 2,056 acres are separately sewered and 844 acres have combined sewers. The Avenue V Pumping Station capacity will be increased to capture 85 percent, by volume, of the current CSO discharge from outfall OH-021 to Coney Island Creek. The capacity of the pumping station will be increased from approximately 30 mgd to 80 mgd in two construction contracts, a pumping station upgrade phase and a force main construction phase.

Work Performed During This Quarter

Design

- Avenue V Pumping Station Upgrade
 - ◆ DSDC activities continued for the Avenue V Pumping Station Upgrade.
 - ◆ **Continued preparing LI well permit for submittal to DEC.**
- New Force Mains
 - ◆ DSDC activities continued for the New Force Mains.

Construction

- Avenue V Pumping Station Upgrade
 - ◆ **Removal of existing picket fence.**
 - ◆ **Removal of exterior architectural terra cotta for replacement**
 - ◆ **Construction of temporary pumping system structure including reinforced concrete slab and access hatches.**
 - ◆ **Installation of temporary pumping system mechanical equipment including pumps, valves, discharge piping, flow meters and level sensors.**
 - ◆ **Installation of temporary pumping system electrical equipment including transformers, automatic transfer switch, emergency generator, motor control center, pump controls, telemetry, conduit and cable.**
- New Force Mains
 - ◆ **Open Cut Pipe installation:**
 - **42" – Verrazano Bridge to Bay 8th St. (WIP); Bay 8th St. to Bay Parkway; Bay Parkway to Bay 40th St. (WIP). Total: 5,778 LF (48%)**
 - **48" – Bay 16th St. to Bay Parkway; Bay Parkway to Bay 40th St. (WIP). Total: 3,550.05 LF (63.41%)**

- ◆ **Started jacking operations at under Bay 8th St. (Jacking Pit C to Receiving Pit D)**
 - **66” casing pipe - 100 LF (5% of total jacking operations)**
- ◆ **Sheeting installation and removal as necessary.**
- ◆ **Prepare for leakage tests.**
- ◆ **Clean soil removal.**
- ◆ **Site preparation and clearing.**
- ◆ **Construction of jacking pits on Bay 16th St. to prepare for Northeast Remsco.**

Missed Milestones

- ◆ **There are no missed milestones.**

Anticipated Activities for Next Quarter

Construction

- **Avenue V Pumping Station Upgrade**
 - ◆ **Relocation of temporary pumping system sluice gate controls including calibration for temporary pumping system operation.**
 - ◆ **Installation of temporary pumping system lighting and construction power.**
 - ◆ **Operation of temporary pumping system including the “10-Day Test” and Contractor take-over of the existing pumping station.**
 - ◆ **Remediation / Removal of existing pumping station hazardous material including lead-based paint, asbestos insulation, and mercury light bulbs/thermostats.**
 - ◆ **Demolition/removal of existing pumping station mechanical and electrical equipment including salvageable.**
- **New Force Mains**
 - ◆ **Continue open cut double pipe installation from Bay Parkway to Bay 40th St.**
 - ◆ **Open cut pipe installation to return to Fort Hamilton area (single 42” pipe) upon completion.**
 - ◆ **Subcontractor Northeast Remsco to start microtunneling 48” pipe at Bay 16th St. from Jacking Pit Y to Receiving Pit X (Bath Ave.) and G (Shore Parkway).**
 - ◆ **Complete jacking of 66” casing pipe at Bay 8th St. (JP C to D) and start jacking operations at Bay Parkway (Double Pipe).**
 - ◆ **Set up jacking pits for future jacking and microtunneling work.**
 - ◆ **Start landscape restoration from Bay 8th St. to Bay Parkway.**

- ◆ **Continue installation and removal of steel sheeting as necessary.**
- ◆ **Preliminary leakage tests for installed pipe.**
- ◆ **Clean and inspect SE-133.**
- ◆ **Start structural work at discharge chambers (CO # 2).**
- ◆ **Start installation of air valves and access manholes (CO # 1).**
- ◆ **Prepare for open cut work in the streets. (Ave. V to Cropsey Ave.)**
- ◆ **Clean and regulated soil removal.**

Table 11 – Coney Island Creek CSO Project

	<i>Contracts</i> <i>PS-79G, H, P, E</i>	<i>Contract</i> <i>PS-79F</i>
Plan Elements:	Upgrade Avenue V Pumping Station	New Force Mains
Location:	Avenue V PS (Avenue V and West 11th Street)	42-inch to SE-133 (Shore Pkwy. Vic. Verrazano Bridge); 48-inch to vic. Reg. 9A
Actions:	Comprehensive upgrade to automate and increase station capacity to 80 mgd; Lower Wet Well operating level to reduce sewer surcharges; Network Protector Structure to reliably transform utility power; Generator system to improve station reliability; Architectural restoration of Main Building to 1915 appearance	New force mains to convey DWF and WWF
Cost:	\$68,200,000	\$97,756,000
Status:	Notice to Proceed issued on 12/16/05. Construction is 40% complete.	Notice to Proceed to Construction is 30% complete.
Other Issues:	None	None

3.8. Newtown Creek CSO

The Newtown Creek CSO Facility Planning area consists of the areas in Brooklyn and Queens from which wet weather runoff drains to the Newtown Creek waterbody and its branches: English Kills, Dutch Kills, Whale Creek, Maspeth Creek and the East Branch. For this CSO planning area, the Waterbody/Watershed Facility Plan, still under review by the DEC, proposes some modifications to the consent order milestones that will ultimately achieve better CSO capture and result in improved water quality, as permitted in the Order in Section III, Paragraph A, Section 3.

This section reports on the progress of facility planning and design of the existing CSO plan, subject to modifications by the Waterbody/Watershed Facility Plan, and includes 1) maximizing flow through the Morgan Avenue Interceptor, 2) the construction of in-stream aeration facilities (Zone I & II) and 3) the construction of an off-line storage tank.

Maximizing flow through the Morgan Avenue Interceptor will include raising the overflow weir in Regulator B1; increasing the sluice gate openings to the interceptor; providing a relief sewer from the St. Nicholas weir to Regulator B1; and providing a throttling gate on the Kent Avenue Interceptor. The Aeration Facilities (Zone I) includes construction of a landside compressor station and installation of an air header in the creek bottom of the Upper English Kills. Based upon the performance evaluation of the Zone I aeration testing, Zone II aeration may be implemented to expand in-stream aeration to include the Lower English Kills, the East Branch and Dutch Kills. The off-line storage facility will control CSO discharge to the English Kills and will include a 9 million gallon tank, a pumping station, and a new gravity drain to drain the tank for treatment at the Newtown Creek WPCP.

Work Performed During This Quarter

Planning

- Off-line Storage Tank
 - ◆ The Bureau of Environmental Planning and Assessment (BEPA) continued their review of the Remedial Action Plan (RAP) and Health and Safety Plan (HASp) for the remedial work related to the CSO Storage Facility. BEPA completed their review of the revised CSO Storage Facility Environmental Assessment Statement (EAS) and the Air Modeling Report and has requested additional work, including a traffic waterbody/watershed analysis. However, since the WB/WS Plan for Newtown Creek was submitted in June 2007, the DEP directed the Engineer to postpone this analysis until the WB/WS Plan for Newtown Creek is reviewed and approved.

Design

- Maximize Flow to Morgan Ave. Interceptor
 - ◆ The Department award and registered a contract with URS Corporation for Engineering Services for St. Nicholas Avenue Weir to Regulator B-1 Relief Sewer.

■ Phase 1 Aeration Facility

- ◆ The NYSDEC Joint Application Permit had expired and a new permit application was submitted to the NYSDEC. The NYSDEC reviewed and has determined that the apparent bulkhead is actually a relieving platform and therefore the land beneath the platform is considered wetlands. As a result, the NYSDEC replied to the NYCDEP with a Notice of Incomplete Application (NOIA). A response to the NOIA was prepared and submitted to the NYSDEC on July 18, 2006. The NYSDEC then issued a second NOIA and a response was prepared by the NYCDEP and submitted to the NYSDEC on August 25, 2006, with a revised response submitted to the NYSDEC on September 7, 2006. The NYCDEP BEPA issued a modified Negative Declaration on October 4, 2006 and the NYSDEC issued a Notice of Complete Application (NOCA) to the NYCDEP on October 18, 2006 for advertisement including a public comment period ending November 10, 2006. The NYSDEC then issued a Notice of Permit Issuance on November 22, 2006 with the effective dates of November 24, 2006 through December 31, 2009. The NYSDEC Joint Application Permit was modified by the DEC on September 11, 2007 to incorporate changes to the construction contract.
- ◆ The NOPI contains Special Conditions, including submission of a Habitat Monitoring Plan and a Wetlands Restoration Plan within 30 days and 60 days of the permit's issuance, respectively.
- ◆ The special condition for the Wetlands Restoration Plan has been approved by the NYSDEC on April 24, 2007.
- ◆ A Habitat Monitoring Plan was submitted to the NYSDEC in January 2007 for their review. The NYSDEC reviewed and submitted comments to the Plan on March 20, 2007. The NYSDEC's comments included requests for much more extensive sampling. The magnitude of the Plan recommended by the NYSDEC is far beyond the scope needed to satisfy the intent of the Permit Condition. A meeting with the NYSDEC, NYCDEP, and the Engineer was held on April 13, 2007 to discuss the NYSDEC comments. The Habitat Monitoring Plan was revised based upon discussions at this meeting and forwarded to the NYSDEC on June 27, 2007. NYSDEC comments to the Habitat Monitoring Plan were received on December 14, 2007. A DEP response was prepared and submitted to the NYSDEC on May 15, 2008. **NYSDEC subsequently granted approval of the Plan. NYCDEP prepared and submitted an application for a License to Collect or Possess, which was also approved by the NYSDEC.**

A Health and Safety Plan (HASP) for the Habitat Monitoring Plan was prepared and submitted to the DEP for their review. DEP subsequently approved the HASP.

Pre-operational sampling for the Habitat Monitoring Plan commenced on August 25, 2008.

A separate Performance Sampling Plan for the Phase I Aeration Facility remains under review by the DEP.

- ◆ **The DEP modified the existing design to achieve higher dissolved oxygen levels and to use this data to assist in the design and permitting of subsequent aeration**

facilities. A modification to the Contract was issued to modify the diffuser assembly piping accordingly.

- ◆ **The NOPI contains Special Conditions for wet weather site management. In response to the Special Conditions, Change Order No. NC-EK11G-3 (Site Storm Drainage and Retaining Wall) was written and negotiated. Because of the modifications in the change order, the Street Opening permit for this change order required variance approval from the New York City Department of Transportation (DOT). The DOT approved the variance to the Street Opening permit.**
- ◆ **The NYCDEP waived the Quality Assurance/Quality Checking (QA/QC) inspection for the blower packages. It was discovered in March that the blower vendor waived most of the shop tests for the blower equipment. The blower equipment passed the shop witness test and was delivered to and installed at the site.**
- ◆ **The DEP modified the existing design to achieve higher dissolved oxygen levels and to use this data to assist in the design and permitting of subsequent aeration facilities. A modification to the Contract was issued to modify the diffuser assembly piping accordingly. A letter was forwarded to the NYSDEC requesting approval and inclusion of the diffuser assembly realignment into the Joint Application for Permit. The NYSDEC approved of the diffuser assembly realignment.**
- ◆ **The approval process for obtaining a Notification of Completion for the Aeration Facility has commenced. This permit is required to turnover the Aeration Facility to the Bureau of Water Treatment.**
- ◆ **The process for obtaining a permanent electrical service account with Consolidated Edison of New York has commenced.**
- ◆ **There are new electrical requirements regarding arc flashing and electrical equipment. A modification was issued to the Electrical Contractor to address the arc flashing requirements.**
- ◆ **The Electrical Contractor submitted an application to obtain the Electrical Advisory Board's Electrical Permit. The Electrical Advisory Board raised some electrical concerns that needed to be addressed. Of particular importance was a request to provide an additional means of egress for the Electrical Room. A response had been forwarded to the Electrical Advisory Board and the Board provided additional comments. The additional egress issue for the Electrical Room is being investigated further.**
- **Phase 2 Aeration Facilities**
 - ◆ **Preliminary design has begun on adding a third blower to Phase I Aeration Facilities that will be used to supply air to the Lower English Kills.**
 - ◆ **Site investigations have begun to locate suitable locations for a possible aeration facility for the Newtown Creek.**

- ◆ **Aeration technologies to be used as an alternative to the positive displacement blower, air header and diffuser system that is being installed in Phase I are being investigated.**
- ◆ Reports were prepared and reviewed recommending properties to locate Aeration Facilities along the East Branch and Dutch Kills waterbodies.
- ◆ Preliminary design on Aeration Facilities for the East Branch and Dutch Kills waterbodies has begun and is evaluating the viability of targeting a dissolved oxygen concentration of 3 mg/L, as specified in the WWFP.

Construction

- Phase 1 Aeration Facilities

- ◆ The construction of the Phase I Aeration Facilities is **56** percent complete. During the quarter, the NC-EK11G and NC-EK11E Contractors performed the following work:
 - NC-EK11G
 - **Completed** the installation of Masonry
 - **Completed** installation of the Roof System for the Building
 - **Painted the Structural Steel and the Interior Walls of the Building**
 - **Completed installation of all Window Frames and Glass Block**
 - **Completed installation of the Rectangular Louvers**
 - **Installed the Motorized Coiling Door and other Interior/Exterior Doors**
 - **Installed the Bridge and Jib Cranes**
 - **Installed the Helical Screw Blowers, Interior Air Piping and their Supports.**
 - **Completed construction of the Plenum Room**
 - **Completed installation of Interior Water Piping**
 - **Commenced installation of the Exhaust Fan Supports**
 - **Installed the Ceiling for the Office, Toilet Room and Vestibule**
 - NC-EK11E
 - **Installed the Motor Control Center, Current Transformer Cabinet and other Electrical Service Equipment**
 - **Continued installation of the Grounding System**
 - **Commenced installation of Lighting Fixtures**
 - **Commenced installation of Power and Control Wiring to the Blowers**
 - **Commenced installation of Wiring to Motor Control Center, Lighting Panel and other Electrical Service Equipment**

- **NC-EK11H**

- **Commenced installation of heating and ventilating equipment.**
- Maximize Flow to Morgan Ave. Interceptor
 - ◆ Kent Avenue Throttling Facility design has been completed. Construction of this facility is included in the Newtown Creek WPCP Upgrade-Contract NC-36.

Missed Milestones

- ◆ There are no missed milestones **but the DEP will be looking to modify the existing consent order to eliminate certain elements and replace with more cost effective elements that achieve similar or greater water quality benefits such as targeting a DO of 3 mg/l for both Zone 1 and Zone 2 as opposed to the 1 mg/L currently required in the Consent Order.**

Anticipated Activities for Next Quarter***Design***

- Maximize Flow to Morgan Ave. Interceptor
 - Continue design of the Regulator B-1 Modifications.
 - Continue design of St. Nicholas Avenue Weir to Regulator B-1 Relief Sewer.
- **Phase 1 Aeration Facility**
 - **Submit Pre-operational Habitat Monitoring Plan Report.**
 - **Continue the process of obtaining a Notification of Completion for the Aeration Facility.**
 - **Continue the process of obtaining a permanent electrical service account with Consolidated Edison of New York.**
 - **Resolve the Electrical Advisory Board's additional egress issue for the Electrical Room.**
 - **Commence with obtaining a permanent telephone service account with Verizon.**
- **Phase 2 Aeration Facilities**
 - Continue evaluation of alternative properties identified for require blower buildings.
 - **Continue working on obtaining properties along the East Branch and Dutch Kills for the construction of Aeration Systems for the corresponding waterbodies.**
 - **Continue design of Aeration Systems for the East Branch and Dutch Kills waterbodies.**
 - **Continue design on third blower installation in the Phase I Aeration Facility building for the Lower English Kills.**
 - **Evaluate aeration technologies to be used as an alternative to the positive displacement blower, air header and diffuser system that is being installed in Phase I.**

Construction

▪ **Phase 1 Aeration Facility**

- The NC-EK11G, NC-EK11H and NC-EK11E Contractors are scheduled to perform the following work for the next quarter:
 - **NC-EK11G**
 - **Complete** installation of Louvers
 - **Commence installation of Plumbing Fixtures**
 - **Commence installation of Diffuser Assembly Piping**
 - **Commence testing of Air Diffuser System**
 - **Commence installation of Site Water and Sewer Systems**
 - **Commence placement of Underground Concrete Ductbank for the Outside Lighting**
 - **Commence installation of Porous Paver System**
 - **NC-EK11E**
 - **Complete installation and testing of Grounding System** for the Aeration Building
 - Continue installation of Miscellaneous Conduit work
 - Commence installation of Outdoor Transformer
 - Tie-in underground Feeder Cable to Con Edison service
 - **Complete installation of Interior Lighting**
 - **Commence installation and testing of the Fire Alarm and Intrusion Systems**
 - **Commence installation and wiring of Main Control Panel**
 - **Complete wiring of all remaining Equipment**
 - **Energize and test Motor Control System**
 - **NC-EK11H**
 - **Complete installation and testing** of HVAC Equipment

Table 12 – Newtown Creek CSO Project

Plan Elements:	Maximize flow through Morgan Ave. Interceptor	Phase 1&2 - Aeration Facilities	Off-line Storage Tank
Location:	Regulator B1 and WPCP throttling chamber	Head end of English Kills, south of Grand Street	Sewers tributary to CSO outfall discharging to English Kills
Actions:	Raise overflow weir in Regulator B1; increase sluice gate openings to interceptor; provide relief sewer from St. Nicholas weir to Regulator B1; provide throttling gate on Kent Avenue Interceptor.	Provide aeration of English Kills to raise DO concentrations to a goal of 3.0 mg/l. The facility includes a landside compressor station and an air header and diffuser assembly on the Creek bottom.	Design of an off-line storage facility to control CSO discharge into English Kills. The facility would include the tank, a pumping station, and a new gravity drain to drain the tank for treatment at the Newtown Creek WPCP.
Cost:	\$10,000,000	\$65,000,000 (total for Zones I and II)	TBD
Status:	Facility plan elements for modifications to regulator and routing of the relief sewer have been completed. A Revised Final Facility Plan Report was submitted to the DEC. Regulator B1 Modifications are being performed under a Task Order Contract.	Construction is 56% complete. The Habitat Monitoring Plan was approved and pre-operational sampling commenced. Continue design of the Aeration Systems for Dutch Kills and East Branch under Contract NC-EK-IV. Evaluation of aeration technologies.	A Draft ULURP application submitted to DEP. The RAP and HASP are under review by BEPA. BEPA submitted comments to the EAS and the Air Modeling Report. The Department directed the Engineer to await the submission of the Newtown Creek LTCP prior to performing the additional work requested by BEPA.
Other Issues:	Requires coordination with WPCP planning and design requirements		Site approval (ULURP) and acquisition of property required. As allowed by the Order, the current plan is subject to modifications by the Waterbody / Watershed Facility Plan.

3.9. Westchester Creek CSO

The Westchester Creek CSO Facilities Planning area consists of the drainage area of CSO Outfall HP-014, which discharges at the head end of the Creek. Westchester Creek receives discharges from five CSO outfalls; however, discharges from CSO Outfall HP-014 were determined to be the primary cause of water quality degradation in the Creek. CSO Outfall HP-014 serves a drainage area of approximately 2,321 acres within the Hunts Point WPCP service area in the Borough of the Bronx. For this CSO planning area, the Waterbody / Watershed Facility Plan currently under review by the NYSDEC analyzes cost effective CSO control measures for this waterbody and proposes modifications to the scope of the existing CSO facilities plan, as permitted in the Order in Section III, Paragraph A, Section 3.

The current Westchester Creek CSO Abatement Facilities Plan, subject to modifications by the Waterbody/Watershed Facility Plan recommendations, will be constructed in two phases with Phase I consisting of the facilities to divert the combined sewage to the CSO storage tank, as well as rehabilitation of an existing tide gate chamber, and Phase II consisting of the CSO storage tank. In addition to the facilities required for abatement at CSO Outfall HP-014, the DEP has agreed to provide, as part of the project, amenities for use by the Bronxchester and Van Nest Little Leagues that utilize the baseball fields adjacent to the site of the proposed CSO storage tank on the Bronx Psychiatric Center (BPC) Campus. These amenities consist of restroom facilities, a clubhouse facility, a parking lot to be located on top of the CSO storage tank, and fencing to separate the Little League facilities from the BPC Campus facilities and the DEP facilities. This section reports on the progress of the Little League restroom facilities, and Phases I and II of the Westchester Creek CSO Abatement Facilities Plan.

The Little League restroom facilities will be constructed under a separate contract referred to as the Site Preparation Contract in advance of the Phase I contract. Phase I includes construction of the diversion chamber in Eastchester Road, construction of the 2 MG CSO supply/storage conduit along Waters Place between the diversion chamber and the 10 MG CSO storage tank, and rehabilitation of the existing tide gate chamber located at CSO Outfall HP-014. Phase II includes construction of the 10 MG CSO storage tank in the southwest section of the BPC Campus, including an operations building to house operational units, construction of the Little League clubhouse facility and parking lot, and installation of the required fencing at the site.

Work Performed During This Quarter

Planning

- Site Acquisition at BPC Campus
 - ◆ Negotiations continued between New York City Department of City-Wide Administrative Services (DCAS) and the Dormitory Authority of the State of New York (DASNY) regarding acquisition of the site at the BPC Campus by the DEP for the CSO storage tank, and Little League restroom facilities and clubhouse facility.
 - ◆ A Job Hazard Analysis Form to perform the required surveying to prepare a metes and bounds description of a permanent easement along the access road into the BPC Campus

from Waters Place remained under review by the DEP. This easement, which will be from DASNY to the DEP, is needed to serve as an emergency access route onto the northeast section of the project site, and will be included as a stipulation in the Contract of Sale for the site.

Design

- Site Preparation
 - ◆ Work to prepare the Site Preparation Contract for re-bidding remained on hold until the site at the BPC Campus is acquired by the DEP.
- Phase I – Influent Sewers
 - ◆ Design of the diversion chamber, supply/storage conduit and rehabilitation of the tide gate chamber continued.
- Phase II – CSO Storage Facility
 - ◆ Design of the CSO storage tank and Little League clubhouse facility continued.

Construction

- ◆ Construction has not yet been initiated.

Missed Milestones

- ◆ There are no missed milestones.

Anticipated Activities for Next Quarter

- Site Acquisition at BPC Campus
 - ◆ Site acquisition negotiations between DCAS and DASNY will continue.
 - ◆ The surveying will be performed and the metes and bounds description will be prepared for the permanent easement along the access road into the BPC Campus from Waters Place.
- Phase I – Influent Sewers
 - ◆ Design of Phase I facilities will continue.
- Phase II – CSO Storage Facility
 - ◆ Design of Phase II facilities will continue.

Table 13 – Westchester Creek CSO Project

Plan Elements:	Westchester Creek CSO Supply/Storage Conduit, CSO Storage Tank and Little League Amenities
Location:	Bronx Psychiatric Center Campus, and along Eastchester Road and Waters Place in the Bronx
Actions:	Design and construction of an underground CSO storage tank with a capacity of 12 MG (including the storage capacity within the supply/storage conduit) to provide abatement at CSO Outfall HP-014 on Westchester Creek; design and construction of an operations building; design and construction of amenities for the Bronxchester and Van Nest Little Leagues
Cost:	Under Revision
Status:	Negative Declaration issued for project; ULURP Application approved; design underway for CSO supply/storage conduit, CSO storage tank and clubhouse facility for Little Leagues; design complete for restroom facilities for Little Leagues
Other Issues:	Site needs to be acquired by DEP from the State of New York; licensing agreement between DEP and the Little Leagues needs to be finalized; NYC Building Permit Application, as well as other permit applications, needs to be processed for restroom facilities for Little Leagues. As allowed by the Order, the current plan is subject to modifications by the Waterbody/Watershed Facility Plan

3.10. Bronx River CSO

The modified CSO facilities plan for the Bronx River recommends that floatables control facilities be provided at CSO Outfalls HP-004, HP-007 and HP-009, within the Hunts Point WPCP drainage area, to minimize the discharge of unsightly floatable material. This modified plan eliminated the previously proposed 4 MG CSO storage facility due to limited benefits in the improvement of water quality in the Bronx River.

For CSO Outfall HP-004, which is located on the west bank of the Bronx River just north of the Cross Bronx Expressway and serves a drainage area of approximately 582 acres, the recommended floatables control facility consists of providing in-line netting within a new conduit located upstream of the outfall along West Farms Road. For CSO Outfall HP-007, which is located on the east bank of the Bronx River just north of the Sheridan Expressway and serves a drainage area of approximately 1,693 acres, the recommended floatables control facility consists of providing mechanical screens within Regulators 27 and 27A located upstream of the outfall. For CSO Outfall HP-009, which is located on the east bank of the Bronx River near the confluence with the East River and serves a drainage area of approximately 436 acres, the recommended floatables control facility consists of providing in-line netting within Regulator 13, located within Soundview Park upstream of the outfall.

Work Performed During This Quarter

Planning

- ◆ **Aquifer Drilling and Testing, Inc. started the environmental boring field work on July 28, 2008.**
- ◆ **On September 22, 2008, an interagency conference of the Mapping ULURP was held at the Manhattan City Planning Office. The Mapping ULURP which will create changes to the City Map is acceptable for certification.**
- ◆ **On September 26, 2008, the final EAS for the Bronx River Floatables Control Facilities was delivered to the DEP.**
- ◆ **The Negative Declaration for the Bronx River Land Exchange Project EAS is still under review by the NYCDPR.**

Design

- ◆ **Design of the floatables control facilities at Outfalls HP-004, HP-007 and HP-09 was completed on July 25, 2008. Contract documents were delivered to the NYSDEC at the end of July 2008.**
- ◆ **The traffic impact study report for Regulator 27 (Outfall HP-007), entitled “Bronx Floatables Expansion of Regulator CSO 27, Traffic Impact Study of Local Detour Route,” was finalized, and the DOT was contacted regarding the recommended traffic control plan included in the report. On August 21, 2008, a meeting was held at the**

project site with DEP and the NYCDOT to discuss and review the MPT plan for Bronx Park Avenue.

- ◆ An updated construction cost estimate (at 90% complete) for the floatables control facilities was prepared. **The Final Design Construction Budget Estimate summary was completed on August 8, 2008.**
- ◆ The draft Geotechnical Investigation Report for the floatables control facilities, based on the geotechnical borings drilled at the project sites, remained under review.
- ◆ A utility coordination meeting was held on June 24, 2008 between the NYCDEP, Con Edison and the Empire City Subway for work on the Bronx River Floatables Project. **Utility coordination issues with Con Edison are continuing.**
- ◆ **On August 12, 2008, a meeting was held at the project site with DEP and the NYCDPR to coordinate Parks projects on parkland with the construction of the floatable control facilities.**
- ◆ **The NYSDEC and ACOE Joint Permit Application for Wetlands work has been completed and is being reviewed prior to submission.**

Construction

- ◆ Construction has not yet been initiated.

Missed Milestones

- ◆ There are no missed milestones.

Anticipated Activities for Next Quarter

▪ *Planning*

- ◆ The DEP to review and approve the EAS for the floatables control facilities.
- ◆ The environmental borings will be taken at the sites of the floatables control facilities.

▪ *Design*

- ◆ Review of the draft Geotechnical Investigation Report for the floatables control facilities sites will be completed.
- ◆ DOT approval of the recommended traffic control plan for Regulator 27 for the floatables control facilities to be obtained.
- ◆ **The completed contract drawings and specifications will be bid.**

Table 14 – Bronx River CSO Project

Plan Elements:	Floatables Control Facilities at CSO Outfalls HP-004, HP-007 and HP-009
Location:	New conduit (West Farms Road) upstream of CSO Outfall HP-004, Regulator 27 (Bronx Park Avenue) and Regulator 27A (Bronx Zoo) upstream of CSO Outfall HP-007, and Regulator 13 (Soundview Park) upstream of CSO Outfall HP-009
Actions:	Design and construction of floatables control facilities for CSO Outfalls HP-004, HP-007 and HP-009
Cost:	\$35,398,000
Status:	Draft EAS for floatables control facilities under review, ULURP Application for floatables control facilities not required; design of floatables control facilities ongoing
Other Issues:	EAS for floatables control facilities completed and under review and needs to be approved and Negative Declaration issued; final contract drawings and specifications submitted and awaiting approval for bidding

3.11. Hutchinson River CSO

The Hutchinson River CSO Facilities Planning area consists of the drainage areas of CSO Outfalls HP-023 and HP-024 in the Hunts Point WPCP drainage area. The Hutchinson River receives discharges from five CSO outfalls; however, discharges from CSO Outfalls HP-023 and HP-024 were determined to be the primary cause of water quality degradation in the River. CSO Outfall HP-023, which is located on the west bank of the Hutchinson River near the southern end of Conner Street, serves a drainage area of approximately 300 acres. CSO Outfall HP-024, which is located on the west bank of the Hutchinson River near the intersection of Boston Road and 233rd Street, serves a drainage area of approximately 1,100 acres. For this CSO planning area, the Waterbody/Watershed Facility Plan, currently under review by the NYSDEC, analyzes cost effective CSO control measures for this waterbody and proposes modifications to the scope of the existing CSO facilities plan, as permitted in the Order in Section III, Paragraph A, Section 3.

The current Hutchinson River CSO Abatement Facilities Plan, subject to modifications by the Waterbody/Watershed Facility Plan, will be constructed in two phases with Phase I consisting of a 4 MG CSO storage tank to provide abatement at CSO Outfall HP-023 and Phase II a 3 MG CSO storage tank to provide abatement at CSO Outfall HP-024. This section reports on the progress of Phases I and II of the Hutchinson River CSO Abatement Facilities Plan.

Phase I includes construction of a southern 4 MG CSO storage tank to be located adjacent to the Hutchinson River wholly within the boundary limits of Public Place Site, which is land near the southern end of Conner Street currently controlled by the DPR. Phase II includes construction of a northern 3 MG CSO storage tank to be located adjacent to the Hutchinson River along Hutchinson Avenue on land currently owned by Pascap Export, Inc.

Work Performed During This Quarter

Design

- Phase I – 4 MG CSO Storage Tank
 - ◆ Design of the 4 MG CSO storage tank continued.
- Phase II – 3 MG CSO Storage Tank
 - ◆ Design of the 3 MG CSO storage tank continued.

Construction

- ◆ Construction has not yet been initiated.

Missed Milestones

- ◆ There are no missed milestones.

Anticipated Activities for Next Quarter

- Phase I – 4 MG CSO Storage Tank
 - ◆ Design of Phase I facilities will continue.
- Phase II – 3 MG CSO Storage Tank
 - ◆ Design of Phase II facilities will continue.

Table 15 – Hutchinson River CSO Project

Plan Elements:	Hutchinson River CSO Storage Facilities
Location:	City-owned property at southern end of Conner Street adjacent to Hutchinson River; privately-owned property along Hutchinson Avenue adjacent to Hutchinson River
Actions:	Design and construction of a 4 MG CSO storage tank and a 3 MG CSO storage tank to provide abatement at CSO Outfalls HP-023 and HP-024, respectively; rehabilitation of existing CSO Outfalls HP-023 and HP-024
Cost:	Under Revision
Status:	Preparation of EAS and ULURP Application being coordinated with the CSO Long-Term Control Plan; design underway
Other Issues:	EAS needs to be prepared, approved and Negative Declaration issued; ULURP Application needs to be prepared, certified and approved; sites for CSO storage facilities need to be acquired. As allowed by the Order, the current plan is subject to modifications by the Waterbody/Watershed Facility Plan

3.12. Jamaica Bay CSO

The Jamaica Bay CSO Abatement Facility Plan addresses CSOs in the 26th Ward WPCP drainage area, specifically the CSO discharges to Fresh Creek, Hendrix St. Canal and Spring Creek, as well as other tributary waters with CSO discharges to Jamaica Bay. The Phased plan for the 26th Ward tributaries includes: Phase I includes cleaning of sewers in the 26th Ward drainage area and interim dredging of the head-end of Hendrix St Canal. Subsequent phases include development of waterbody/watershed plans for the 26th Ward tributaries under the Citywide Long Term Control Plan for CSO and expansion of the wet weather capacity of the 26th Ward WPCP by 50 mgd.

In addition to the facility plan recommendations, the existing Spring Creek Auxiliary WPCP is undergoing an upgrade. The project was developed under another program, but was subsequently listed as a recommended project in the Jamaica Bay CSO Abatement Facility Plan. The Spring Creek AWPCP is a CSO facility that receives flow from the Autumn Avenue Regulator in Brooklyn and the 157th Avenue Regulator in Queens. The flow is conveyed to the plant through six barrels and is distributed to six basins. If stored flow reaches an elevation of 1.0, the four effluent sluice gates at the effluent end of each of the basins open, allowing flow to be discharged to Spring Creek.

The key components of the Spring Creek Auxiliary WPCP upgrade include lowering the roof and providing enhanced HVAC and odor control systems, improved disinfection systems, and new basin wash down systems.

Work Performed During This Quarter

Design

- Cleaning of Certain Combined Sewers
 - ◆ **An on-site preconstruction conference was convened with NYCDEP and National Water Main Cleaning Company personnel. Work was initiated on the removal of debris from the Hegeman Avenue sewer.**
- Dredging
 - ◆ **The Post-Construction Monitoring Plan associated with the Interim Dredging of the Hendrix Street Canal was prepared and reviewed by the NYCDEP to allow for its submittal to the NYSDEC.**
- Expansion of 26th Ward WPCP Capacity
 - ◆ **Design work for the 50 mgd increase in wet weather capacity continued.**

Construction

- Spring Creek Auxiliary WPCP Upgrade
 - ◆ **Construction activities are nearing completion with the scavenger waste facility completed this quarter and change order work remaining to be completed at the**

Spring Creek Auxiliary WPCP upgrade. The odor control system, generator, boilers, and disinfection system have all been started up and the certification of construction completion was sent to the NYSDEC meeting the April 30th milestone. Sluice gate issues are being addressed by the Contractor for Contract SC-1G. The Contractor for Contract SC-1H is addressing punch list issues as is the Contractor for Contractor SC-1E. All basins are operational.

- ◆ **Additional comments to the Wet Weather Operating Plan and the 2A Report were received from DEC and are being addressed.**

Missed Milestones

- **Dredging**
 - ◆ **On July 21, 2008, the NYCDEP received correspondence from the NYSDEC noting that the Department's request to modify the Notice to Proceed to Construction and Construction Completion milestones was timely. The NYSDEC agreed to modify the Notice to Proceed to Construction milestone to twelve (12) months after issuance of the NYSDEC Tidal Wetlands Permit, and to modify the Construction Completion milestone to twenty-four (24) months after the Notice to Proceed to Construction milestone. As the NYSDEC issued the Tidal Wetlands Permit on August 5, 2008, the modified Notice to Proceed to Construction milestone is August 2009 and the modified Construction Completion milestone is August 2011.**

Anticipated Activities for Next Quarter

- **Dredging**
 - ◆ **Upon receipt of USACE Permit, expected this quarter, the NYCDEP will be soliciting bids from interested contractors to perform the Interim Dredging of the Hendrix Street Canal.**
- **Cleaning of Certain Combined Sewers**
 - ◆ **Continuation of sewer cleaning activities by the contractor and construction management of contractor sewer cleaning activities by DEP personnel.**
- **Spring Creek Upgrade**
 - ◆ **The Contractor is completing the work on the scavenger waste station.**
 - ◆ **The electrical contractor is completing the work on the security system and permanent control room.**

Table 16 – Jamaica Bay CSO Project

Plan Elements:	Dredging	Cleaning of Certain Combined Sewers	Expansion of 26 th Ward WPCP Capacity	Spring Creek Upgrade
Location:	Phase I- Interim Dredging of Hendrix Street Canal	Phase I-Portions of sewers in Williams, Hegeman and Flatlands Avenues	Phase IV- 26 th Ward WPCP, Brooklyn	Spring Creek, Brooklyn
Actions:	Contract documents for interim dredging have been revised and were submitted to the USACE and NYSDEC.	Contractor initiated work August 2008	Increase wet weather capacity by 50 mgd	Upgrade of existing CSO facility
Project Cost:	\$15 million	\$4.3 million	Estimate Construction Costs: ■ 26W- 13: \$26 million ■ 26W-20: \$232 million ¹ ■ 26W-22: \$424 million ¹ ■ 26W-23: \$58 million ¹ ■ 26W-24: TBD ¹ Conceptual estimate	\$87 million
Status:	. Received NYSDEC Permits to allow for Dredging of Canal. Currently awaiting receipt of Permit from USACE.	On Schedule	Final Design Initiated	100% complete
Other Issues:	Notice to Proceed to Construction and Construction Complete Milestones dates have been modified by the NYSDEC to August 2009 and August 2011, respectively.	-	-	-

3.13. Citywide Comprehensive Floatables Plan

Work Performed During This Quarter

- ◆ The floatables monitoring program completed its transition from a pilot phase to a full scale program as of February 2008. Over the course of **the first three quarters of 2008**, floatables monitoring activities **have been** incorporated into existing programs (listed below) to expand the number of sites monitored relative to the pilot program.
 - 1) Long Term Control Plan post construction compliance monitoring (PCM) - Floatables monitoring **has been** conducted as part of the PCM **for the LTCP facilities that have** come on line (i.e., **Flushing and Spring Creek CSO retention facilities**).
 - 2) Harbor Water Quality Survey – Floatables monitoring has been incorporated into existing cruise schedules to cover active sites.
 - 3) Public Participation – **For the 2008 bathing season**, volunteer monitoring sites **were** added to the sites **observed** under the pilot program.
 - 4) Environmental Benefit Shoreline Cleanup Program – Monitoring **was** conducted in conjunction with this DEP cleanup program. Cleanups **occurred** over several days during the summer of 2008 at six sites.
- ◆ The New York City Beach Floatables Survey Program (Survey Program), a volunteer group that has been performing counts of beach floatables for several years, **expanded their public participation floatables monitoring activities during the 2008 bathing season. Throughout the second and third quarters of 2008, the Survey Program recruited volunteers and conducted outreach and/or training in preparation of monitoring activities at over 50 sites throughout the five boroughs. In general, volunteer monitoring was conducted during June, July, and August. In September, the volunteers began to submit their final data sheets. Based on preliminary analysis of volunteer data submittals, roughly 30 volunteers submitted data, and roughly 15 sites had consistent data collection efforts over the course of the bathing season. Data submission will continue in quarter 4, and results will be compiled as part of the Floatables Monitoring Progress Report to be submitted in conjunction with the CSO BMP Annual Report.**
- ◆ **During previous reporting periods**, CSO LTCP Waterbody/Watershed reports incorporated general language describing the floatables monitoring program and the inclusion of floatables monitoring as part of the post construction monitoring program for relevant LTCP waterbodies.
- ◆ **Based on the CY2007 results of the floatables monitoring program, site-specific investigations of the three sites with the most persistent poor floatables condition ratings (i.e., BS-1, Plumb Beach Recreational; BS-29, Midland Beach Turtle Circle,**

and SHB-1, Sheepshead Bay) were initiated in August. To date, the investigations have included document and database reviews and field observations.

Missed Milestones

- ◆ There are no missed milestones.

Anticipated Activities for Next Quarter

- ◆ Continue floatables monitoring program activities, including monitoring at all active Harbor Water Quality Survey sites.
- ◆ Continued **retrieval, compilation, and analysis of the 2008 volunteer floatables monitoring data from** the public participation group (New York City Beach Floatables Survey Program).
- ◆ Continued compilation and analysis of monitoring data from the Harbor Water Quality Survey, the PCM program, and the Environmental Benefit Fund Shoreline Cleanup Program
- ◆ **Continued site-specific investigation activities for BS-1, Plumb Beach Recreational; BS-29, Midland Beach Turtle Circle, and SHB-1, Sheepshead Bay per** the recommendations in the CY2007 Floatables Monitoring Program Progress Report.

3.14. Environmental Benefits Projects

The 2008 Modification to the CSO Consent Order stipulated not less than four million dollars (\$4,000,000) of DEP-funded Environmental Benefit Projects (EBPs) designed to abate CSOs and/or address wet weather water quality impacts of CSOs, and to benefit the waters in and around New York City. The 2008 Order further stipulates that the Quarterly Reports required by Section IV of the 2005 CSO Order shall include a report on the status of these EBPs and funds expended on the EBPs during the prior quarter, including a detailed EBP status and cost accounting of all funds expended, and general estimates of the costs expected to be incurred during the following quarter.

DEP submitted an approvable CSO EBP Plan to NYSDEC in March 2008 that included the implementation of a suite of stormwater management techniques for the Bronx, Flushing, and Gowanus watersheds. The status of these programs is summarized in **Table 17** below. The March 2008 EBP Plan was automatically approved 120 days after submission per the Order (July 2008). DEP has not submitted any alternative EBPs subsequent to the March 2008 submittal.

Table 17 – 2008 Modified CSO Consent Order Environmental Benefits Projects

Plan Elements:	Bronx River	Flushing Bay and Creek	Gowanus Canal	NYSDEC US Forestry Service Grant
Location:	HP-009 service area	Exact locations TBD	Exact locations TBD	Status conference call with NYSDEC to be held on October 24th
Actions:	<p>Attended Technical Advisory Committee and site field meetings (next one scheduled for November 3rd. at Youth Ministries for Peace and Justice)</p> <p>Continued monitoring existing flow sewer flow conditions within 2-square block BMP area. Met with Agency Chief Contracting Office representatives to discuss appropriate procurement methods. Specifics currently being developed.</p>	<p>Developing Grant Application forms using existing Grant Program applications that will be tailored to specific area requirements. Met with DEP Agency Chief Contracting Office representatives to discuss appropriate procurement methods. Review existing property data and started field work to verify appropriateness of individual parcels.</p> <p>Outreach to Department of Citywide Administrative Services (DCAS) for additional property information.</p>	<p>Developing Grant Application forms using existing Grant Program applications that will be tailored to specific area requirements. Met with DEP Agency Chief Contracting Office representatives to discuss appropriate procurement methods. Review existing property data and started field work to verify appropriateness of individual parcels.</p> <p>Outreach to Department of Citywide Administrative Services (DCAS) for additional property information.</p>	
Cost:	<p>Budget: \$850,000</p> <p>Cost to date: \$0</p> <p>This Qtr: \$0</p> <p>Next Qtr: \$0</p>	<p>Budget: \$1,450,000</p> <p>Cost to date: \$0</p> <p>This Qtr: \$0</p> <p>Next Qtr: \$0</p>	<p>Budget: \$1,450,000</p> <p>Cost to date: \$0</p> <p>This Qtr: \$0</p> <p>Next Qtr: \$0</p>	<p>Budget: \$250,000</p> <p>Cost to date: \$0</p> <p>This Qtr: \$0</p> <p>Next Qtr: \$0</p>
Status:	Will continue to develop Scope of Work (SOW) and initiate appropriate City procurement policies and approvals.	Continue field verification of individual parcels and development of Grant Application for NYSDEC review and approval.	Continue field verification of individual parcels and development of Grant Application for NYSDEC review and approval.	
Other Issues:				

4.0. Compliance Status

4.1. Unresolved Delays

See **Section 7.0**, Other Issues.

4.2. Compliance Charts

The following table summarizes the milestone dates developed in the draft Consent Order and updates available through September 2008:

Table 18 – Consent Order Milestone Dates

ITEM DESCRIPTION	START DATE	DUE DATE	% COMPLETE
I. Alley Creek CSO			
A. Facility Plan Development			
1. Submit Modified Facility Plan Report	-	Completed	100
2. Submit Approvable Additional Modified Facility Plan Report	-	Feb. 2004	100
3. Submit Form 2A SPDES Application	-	June 2003	100
B. Comprehensive Watershed Planning			
1. Submit Approvable Alley Creek Waterbody / Watershed Facility Plan Report	-	June 2007	100
2. Submit Approvable East River Waterbody / Watershed Facility Plan Report	-	June 2007	100
C. Outfall and Sewer System Improvements			
1. Initiate Final Design	May 1996	-	100
2. Final Design Completion Including CPM Analysis	-	Mar. 2002	100
3. Notice to Proceed to Construction	Dec. 2002	-	100
4. Construction Completion	-	Dec. 2006	100
D. CSO Retention Facility			
1. Initiate Final Design	May 1996	-	100
2. Final Design Completion Including CPM Analysis	-	Dec. 2005	100
3. Notice to Proceed to Construction	Dec. 2006	-	100
4. Construction Completion	-	Dec. 2009	19
E. Drainage Basin Specific LTCPs			
1. Submit Approvable Drainage Basin Specific LTCP for	-	6 mos. after	50

ITEM DESCRIPTION		START DATE	DUE DATE	% COMPLETE
	Alley Creek		approval of I.B.1.	
	2. Submit Approvable Drainage Basin Specific LTCP for East River	-	6 mos. after approval of I.B.2.	50
II. Outer Harbor CSO				
A. Facility Plan Development				
	1. Submit Modified Facility Plan Report	-	Completed	100
	2. Submit Additional Modified Facility Plan Report	-	Feb. 2004	100
B. Comprehensive Watershed Planning				
	1. Submit Approvable Open Waters Waterbody / Watershed Facility Plan Report	-	June 2007	100
C. Regulator Improvements - Fixed Orifices				
	1. Initiate Final Design	Jan. 2004	-	100
	2. Final Design Completion Including CPM Analysis	-	April 2005	100
	3. Notice to Proceed to Construction	Feb. 2006	-	100
	4. Construction Completion	-	July 2008	100
D. Regulator Improvements – Automation				
	1. Initiate Final Design	Feb. 2005	-	100
	2. Final Design Completion Including CPM Analysis	-	Nov. 2006	100
	3. Notice to Proceed to Construction	Nov. 2007	-	100
	4. Construction Completion	-	June 2010	30
E. Port Richmond Throttling Facility				
	1. Initiate Final Design	June 2004	-	100
	2. Final Design Completion Including CPM Analysis	-	Aug. 2005	100
	3. Notice to Proceed to Construction	June 2006	-	100
	4. Construction Completion	-	Dec. 2008	60
	F. Submit Approvable Drainage Basin Specific LTCP for Open Waters	-	6 mos. after approval of II.B.1.	50
III. Inner Harbor CSO				
A. Facility Plan Development				
	1. Submit Modified Facility Plan Report	-	Completed	100

ITEM DESCRIPTION		START DATE	DUE DATE	% COMPLETE
	2. Submit Additional Modified Facility Plan Report	-	Feb. 2004	100
B. Comprehensive Watershed Planning				
	1. Submit Approvable Gowanus Canal Waterbody / Watershed Facility Plan Report	-	June 2007	100
C. Regulator Improvements - Fixed Orifices				
	1. Initiate Final Design	Mar. 2000	-	100
	2. Final Design Completion Including CPM Analysis	-	Sept. 2002	100
	3. Notice to Proceed to Construction	Feb. 2003	-	100
	4. Construction Completion	-	Apr. 2006	100
D. Regulator Improvements – Automation				
	1. Initiate Final Design	Feb. 2005	-	100
	2. Final Design Completion Including CPM Analysis	-	Nov. 2006	100
	3. Notice to Proceed to Construction	Nov. 2007	-	100
	4. Construction Completion	-	June 2010	30
E. In-Line Storage				
	1. Initiate Final Design	July 2005	-	100
	2. Final Design Completion Including CPM Analysis	-	Nov. 2006	100
	3. Notice to Proceed to Construction	Aug. 2007	-	100
	4. Construction Completion	-	Aug. 2010	65
F.	Submit Approvable Drainage Basin Specific LTCP for Gowanus Canal	-	6 mos. after approval of III.B.1.	50
IV. Paerdegat Basin CSO				
A. Facility Plan Development				
	1. Submit Modified Facility Plan Report	-	Completed	100
	2. Submit Additional Modified Facility Plan Report	-	Feb. 2004	100
	3. Submit Form 2A SPDES Application	-	July 2002	100
B. Comprehensive Watershed Planning				
	1. Submit Approvable Paerdegat Basin Waterbody / Watershed Facility Plan Report	-	Mar. 2003	100
C. Influent Channel				
	1. Initiate Final Design	Oct. 1994	-	100

ITEM DESCRIPTION	START DATE	DUE DATE	% COMPLETE
2. Final Design Completion Including CPM Analysis	-	Mar. 1997	100
3. Notice to Proceed to Construction	Feb. 1999	-	100
4. Construction Completion	-	Feb. 2002	100
D. Foundations and Substructures			
1. Initiate Final Design	Oct. 1994	-	100
2. Final Design Completion Including CPM Analysis	-	Aug. 2001	100
3. Notice to Proceed to Construction	June 2002	-	100
4. Construction Completion	-	Feb. 2009	97
E. Structures and Equipment			
1. Initiate Final Design	Oct. 1994	-	100
2. Final Design Completion Including CPM Analysis	-	Nov. 2004	100
3. Notice to Proceed to Construction	Sept. 2005	-	100
4. Construction Completion	-	May. 2011	78
F. Submit Approvable Drainage Basin Specific LTCP for Paerdegat Basin	-	Nov. 2005	100
Submit Joint Application Permit to USACE and NYSDEC to associated with dredging at the head-end and mouth of Paerdegat Basin		December 2008	80
V. Flushing Bay CSO			
A. Facility Plan Development			
1. Submit Modified Facility Plan Report	-	Completed	100
2. Submit Additional Modified Facility Plan Report	-	Feb. 2004	100
3. Submit Form 2A SPDES Application	-	June 2003	100
B. Comprehensive Watershed Planning			
1. Submit Approvable Flushing Bay Waterbody / Watershed Facility Plan Report	-	June 2007	100
2. Submit Approvable Flushing Creek Waterbody / Watershed Facility Plan Report	-	June 2007	100
C. CS4-1 Reroute and Construct Effluent Channel			
1. Initiate Final Design	Oct. 1992	-	100
2. Final Design Completion Including CPM Analysis	-	Sept. 1994	100
3. Notice to Proceed to Construction	June 1995	-	100

ITEM DESCRIPTION		START DATE	DUE DATE	% COMPLETE
	4. Construction Completion	-	June 1996	100
D. CS4-2 Relocate Ballfields				
	1. Initiate Final Design	Oct. 1992	-	100
	2. Final Design Completion Including CPM Analysis	-	Sept. 1994	100
	3. Notice to Proceed to Construction	Apr. 1995	-	100
	4. Construction Completion	-	Aug. 1995	100
E. CS4-3 Storage Tank				
	1. Initiate Final Design	Dec. 1993	-	100
	2. Final Design Completion Including CPM Analysis	-	Sept. 1996	100
	3. Notice to Proceed to Construction	July 1997	-	100
	4. Construction Completion	-	Aug. 2001	100
F. CS4-4 Mechanical Structures - Initiate Final Design				
	1. Initiate Final Design	Dec. 1993	-	100
	2. Final Design Completion Including CPM Analysis	-	Feb. 2000	100
	3. Notice to Proceed to Construction	Mar. 2002	-	100
	4. Construction Completion	-	Dec. 2004	100
G. CS4-5 Tide Gates				
	1. Initiate Final Design	Aug. 1998	-	100
	2. Final Design Completion Including CPM Analysis	-	Nov. 1999	100
	3. Notice to Proceed to Construction	Dec. 2000	-	100
	4. Construction Completion	-	Apr. 2002	100
H. CD-8 Manual Sluice Gates				
	1. Final Design Completion Including CPM Analysis	-	May 2003	100
	2. Notice to Proceed to Construction	Feb. 2004	-	100
	3. Construction Completion	-	June 2005	100
I. Drainage Basin Specific LTCPs				
	1. Submit Approvable Drainage Basin Specific LTCP for Flushing Bay	-	6 mos. after apprvl. of V.B.1.	50
	2. Submit Approvable Drainage Basin Specific LTCP for Flushing Creek	-	6 mos. after apprvl. of V.B.2.	50

ITEM DESCRIPTION	START DATE	DUE DATE	% COMPLETE
VI. Jamaica Tributaries CSO			
A. Facility Plan Development			
1. Submit Modified Facility Plan Report	-	April 2003	100
2. Submit Additional Modified Facility Plan Report	-	Feb. 2004	100
B. Comprehensive Watershed Planning			
1. Submit Approvable Bergen Basin Waterbody / Watershed Facility Plan Report	-	June 2007	100
2. Submit Approvable Thurston Basin Waterbody / Watershed Facility Plan Report	-	June 2007	100
C. Meadowmere & Warnerville DWO Abatement			
1. Initiate Final Design	Jan. 2004	-	100
2. Final Design Completion Including CPM Analysis	-	May 2005	100
3. Notice to Proceed to Construction	Jun. 2006	-	100
4. Construction Completion	-	Mar. 2009	79
D. Expansion of Wet Weather Capacity of Jamaica WPCP			
1. Initiate final Design	June 2009	-	-
2. Submit Form 2A SPDES Application	-	June 2010	-
3. Final Design Completion Including CPM Analysis	-	June 2011	-
4. Notice to Proceed to Construction	June 2012	-	-
5. Construction Completion	-	June 2015	-
E. Destratification Facility			
1. Initiate Final Design	Jan. 2006	-	100
2. Final Design Completion Including CPM Analysis	-	Dec. 2007	100
3. Notice to Proceed to Construction	Apr. 2009	-	0
4. Construction Completion	-	Nov. 2010	-
F. Laurelton and Springfield Blvd.			
1. Submit Drainage Plan for Storm Sewer Build-out (extension granted by DEC letter, 2/29/08)	-	May 2008	100
G. Regulator Automation			
1. Initiate Final Design	Feb. 2005	-	100
2. Final Design Completion Including CPM Analysis	-	Nov. 2006	100
3. Notice to Proceed to Construction	Nov. 2007	-	100

ITEM DESCRIPTION		START DATE	DUE DATE	% COMPLETE
	4. Construction Completion	-	June 2010	30
H. Drainage Basin Specific LTCPs				
	1. Submit Approvable Drainage Basin Specific LTCP for Bergen Basin	-	Aug. 2012	50
	2. Submit Approvable Drainage Basin Specific LTCP for Thurston Basin	-	Aug. 2012	50
VII. Coney Island Creek CSO				
A. Facility Plan Development				
	1. Submit Modified Facility Plan Report	-	Apr. 2003	100
B. Comprehensive Watershed Planning				
	1. Submit Approvable Coney Island Creek Waterbody / Watershed Facility Plan Report	-	June 2007	100
C. Avenue V Pumping Station Upgrade				
	1. Initiate Final Design	April 1998	-	100
	2. Final Design Completion including CPM Analysis	-	Jan. 2005	100
	3. Notice to Proceed to Construction	Nov. 2005	-	100
	4. Construction Completion	-	Apr. 2011	40
D. Avenue V Force Main				
	1. Initiate Final Design	Apr. 1998	-	100
	2. Final Design Completion Including CPM Analysis	-	Sept. 2006	100
	3. Notice to Proceed to Construction	July 2007	-	100
	4. Construction Completion	-	June 2012	30
	E. Submit Approvable Drainage Basin Specific LTCP for Coney Island Creek	-	6 mos. after approval of VII.B.1.	50
VIII. Newtown Creek CSO				
A. Facility Plan Development				
	1. Submit Modified Facility Plan Report	-	Oct. 2003	100
B. Comprehensive Watershed Planning				
	1. Submit Approvable Newtown Creek Waterbody / Watershed Facility Plan Report	-	June 2007	100
C. Aeration Zone I				

ITEM DESCRIPTION		START DATE	DUE DATE	% COMPLETE
	1. Initiate Final Design	Mar. 2001	-	100
	2. Final Design Completion Including CPM Analysis	-	Dec. 2004	100
	3. Notice to Proceed to Construction	Dec. 2005	-	100
	4. Construction Completion	-	Dec. 2008	56
D. Aeration Zone II				
	1. Initiate Final Design	June 2007	-	100
	2. Final Design Completion Including CPM Analysis	-	June 2010	<5
	3. Notice to Proceed to Construction	June 2011	-	-
	4. Construction Completion	-	June 2014	-
E. Relief Sewer / Regulator Modification				
	1. Initiate Final Design	June 2007	-	100
	2. Final Design Completion Including CPM Analysis	-	June 2009	10
	3. Notice to Proceed to Construction	June 2010	-	-
	4. Construction Completion	-	June 2014	-
F. Throttling Facility				
	1. Initiate Final Design	Dec. 2005	-	100
	2. Final Design Completion Including CPM Analysis	-	June 2008	100
	3. Notice to Proceed to Construction	June 2009	-	-
	4. Construction Completion	-	Dec. 2012	-
G. CSO Storage Facility				
	1. Initiate Final Design	Nov. 2010	-	-
	2. Submit Form 2A SPDES Application	-	Nov. 2013	-
	3. Final Design Completion Including CPM Analysis	-	Nov. 2014	-
	4. Notice to Proceed to Construction	Dec. 2015	-	-
	5. Construction Completion	-	Dec. 2022	-
H. Submit Approvable Drainage Basin Specific LTCP for Newtown Creek		-	Feb. 2016	50
IX. Westchester Creek CSO				
A. Facility Plan Development				
	1. Submit Modified Facility Plan Report	-	Apr. 2003	100
	2. Submit Form 2A SPDES Application	-	June 2009	-

ITEM DESCRIPTION	START DATE	DUE DATE	% COMPLETE
B. Comprehensive Watershed Planning			
1. Submit Approvable Westchester Creek Waterbody / Watershed Facility Plan Report	July 2004	June 2007	100
C. Phase I (Influent Sewers)			
1. Initiate Final Design	Jan. 2004	-	100
2. Final Design Completion Including CPM Analysis	-	June 2010	20
3. Notice to Proceed to Construction	June 2011	-	-
4. Construction Completion	-	June 2015	-
D. CSO Storage Facility			
1. Notice to Proceed to Construction	Dec. 2015	-	-
2. Construction Completion	-	Dec. 2022	-
E. Submit Approvable Drainage Basin Specific LTCP for Westchester Creek	-	Feb. 2016	50
X. Bronx River CSO			
A. Facility Plan Development			
1. Submit Modified Facility Plan Report	-	Sept. 2003	100
2. Submit Additional Modified Facility Plan Report	-	Mar. 2004	100
B. Comprehensive Watershed Planning			
1. Submit Approvable Bronx River Waterbody / Watershed Facility Plan Report	-	June 2007	100
C. Floatables Control			
1. Initiate Final Design	Jan. 2006	-	100
2. Final Design Completion Including CPM Analysis	-	July 2008	95
3. Notice to Proceed to Construction	June 2009	-	-
4. Construction Completion	-	June 2012	-
D. Submit Approvable Drainage Basin Specific LTCP for Bronx River	-	Aug. 2009	50
XI. Hutchinson River CSO			
A. Facility Plan Development			
1. Submit Modified Facility Plan Report	-	July 2003	100
2. Submit Form 2A SPDES Application	-	June 2009	-
B. Comprehensive Watershed Planning			

ITEM DESCRIPTION	START DATE	DUE DATE	% COMPLETE
1. Submit Approvable Hutchinson River Waterbody / Watershed Facility Plan Report	-	June 2007	100
C. Phase I of the Storage Facility			
1. Initiate Final Design	Apr. 2005	-	100
2. Final Design Completion Including CPM Analysis	-	June 2010	10
3. Notice to Proceed to Construction	June 2011	-	-
4. Construction Completion	-	June 2015	-
D. Future Phases			
1. Notice to Proceed to Construction	Dec. 2016	-	-
2. Construction Completion	-	Dec. 2023	-
E. Submit Approvable Drainage Basin Specific LTCP for Hutchinson River	-	Feb. 2017	50
XII. Jamaica Bay CSO			
A. Facility Plan Development			
1. Submit Modified Facility Plan Report	-	Dec. 2003	100
B. Comprehensive Watershed Planning			
1. Submit Approvable Jamaica Bay Waterbody / Watershed Facility Plan Report	-	June 2007	100
2. Submit Approvable Spring Creek Waterbody / Watershed Facility Plan Report	-	June 2007	100
3. Submit Approvable Fresh Creek Waterbody / Watershed Facility Plan Report	-	June 2007	100
4. Submit Approvable Hendrix Creek Waterbody / Watershed Facility Plan Report	-	June 2007	100
C. Spring Creek AWPCP Upgrade			
1. Initiate Final Design	Apr. 1998	-	100
2. Final Design Completion Including CPM Analysis	-	Feb. 2002	100
3. Submit Form 2A SPDES Application	-	June 2003	100
4. Notice to Proceed to Construction	Mar. 2003	-	100
5. Construction Completion	-	April 2007	100
D. 26th Ward Drainage Area Sewer Cleaning and Evaluation			
1. Initiate Final Design	Jan 2007	-	100
2. Final Design Completion Including CPM Analysis	-	June 2007	100

ITEM DESCRIPTION		START DATE	DUE DATE	% COMPLETE
	3. Notice to Proceed to Construction	-	June 2008	100
	4. Construction Completion	-	June 2010	<1
E. Hendrix Creek Dredging				
	1. Initiate Final Design	Jan 2007	-	100
	2. Final Design Completion Including CPM Analysis	-	June 2007	100
	3. Notice to Proceed to Construction	-	August 2009	-
	4. Construction Completion	-	August 2011	-
F. 26th Ward Wet Weather Expansion				
	1. Initiate Final Design	June 2006	-	100
	2. Final Design Completion Including CPM Analysis	-	June 2010	15
	3. Submit Form 2A SPDES Application	-	June 2009	-
	4. Notice to Proceed to Construction	June 2011	-	-
	5. Construction Completion	-	Dec. 2015	-
G. Drainage Basin Specific Long Term Control Plans				
	1. Submit Approvable Drainage Basin Specific LTCP for Jamaica Bay	-	Aug. 2012	50
	2. Submit Approvable Drainage Basin Specific LTCP for Spring Creek	-	Aug. 2012	50
	3. Submit Approvable Drainage Basin Specific LTCP for Fresh Creek	-	Aug. 2012	50
	4. Submit Approvable Drainage Basin Specific LTCP for Hendrix Creek	-	Aug. 2012	50
XIII. Citywide Comprehensive Floatables Plan				
A. Facility Plan Development				
	1. Submit Modified Facility Plan Report	-	Dec. 2004	100
XIV. Submit Approvable City-Wide LTCP				
		-	Dec 2017	-

5.0. Community Relations

The Alley Creek responsiveness summary from the May 21, 2008 public meeting was submitted to DEC for review.

No public meetings were held during this quarter.

A Coney Island Creek public meeting is scheduled for November 12, 2008 at Community Board 13 in Brooklyn to review and receive input on the Long Island Creek Waterbody/Watershed Plan

6.0. Key Personnel Changes

7.0. Other Issues

As identified in the report, the following issues may materially affect the work required by this Order:

1. Paerdegat Basin CSO

The Surety negotiated an agreement with Skanska to complete the remaining civil with the exception of the instrumented tiedown anchors, marine work and the removal of soil from the NYC Parks Department. Skanska was accepted by the Department as a subcontractor/completing contractor for the Surety and the Surety issued a notice to proceed to Skanska on September 29, 2008. Skanska began, rubbing and patching concrete walls, surveying and installing reinforcing steel for the effluent trough in CSO Tank No. 2.

The Surety submitted Gramercy Construction Group as a subcontractor/completing contractor for the remaining marine work. Gramercy was denied approval by the Department and the Surety is evaluating the situation before proceeding with a new course of action.

2. Jamaica Tributaries CSO

DEP submitted a Notice of Force Majeure and a Request for Modification of milestones associated with the Shellbank Basin Destratification facility to the NYSDEC on June 9, 2008. The basis for the request was an unanticipated permit stipulation by NYSDEC to conduct additional water quality monitoring during the summer of 2008.

3. Jamaica Bay CSO

DEP submitted the Jamaica Bay and CSO Tributaries Waterbody/Watershed Plan to DEC on June 30, 2007, as required by the Order. This report documents a more effective CSO management strategy, as compared to the expansion of the wet weather capacity of the Jamaica WPCP. This alternative to treatment plant expansion relies on sewer system improvements to maximize the use of the plant's 200 mgd wet weather capacity. **An updated modification request is being finalized and will be submitted to the DEC shortly that will propose completing sewer modifications and deferring any wet weather expansions pending a post construction flow monitoring program to determine if such wet weather expansions would result in any additional CSO capture.**

4. Additional Waterbody/Watershed Modification Requests

In accordance with the CSO Consent Order; the DEP proposed modifications to the Newtown Creek, Westchester Creek, and Hutchinson River CSO plans as part of the June 30, 2007 - Waterbody/Watershed Plans submittal. These revised plans would require modifying particular milestones currently contained in the CSO consent order and that NYCDEP believes would achieve equivalent or better water quality benefits. It is important to resolve this issue as soon as possible, as many of these consent order milestones that the WB/WS Plans proposed to modify have already commenced or are scheduled to commence in the near future. **The DEP is currently revising its consent order modification request to try to expedite design and construction of the proposed elements to the maximum extent possible.**

5. Alley Creek CSO - Abatement Facilities – Phase I, Stage 2, Contract ER-AC2

In mid-November 2007, the DEP issued a registered letter to the NYSDEC regarding a Notice of Force Majeure for stoppage of all construction activities on the interim pumping station due to the deteriorated condition of an existing pile-supported, 36-inch diameter influent sewer within the work zone. DEP has not yet determined the impact that this event will have on compliance with the construction completion milestone date. **An update on this Force Majeure event was submitted to DEC in a letter dated August 20, 2008.**

6. Outer Harbor CSO - Phase II Throttling Facility

DEP submitted a Notice of Force Majeure in November 2007 to NYSDEC due to an unanticipated subsurface condition encountered by the contractor. DEP has not yet determined the impact that this event will have on compliance with the construction completion milestone date. On February 15, 2008, DEP submitted an update to the November 2007 Force Majeure event. **Another update was submitted to DEC in a letter dated August 29, 2008.**

7. Inner Harbor CSO – In-line Storage

DEP submitted a Notice of Force Majeure in December 2007 to NYSDEC due to unanticipated subsurface conditions and discontinuation of equipment by the specified dam manufacturer. DEP has not yet determined the impact of these events on compliance with the construction completion milestone date. **An update on this Force Majeure event was submitted to DEC in a letter dated August 20, 2008.**

8. Jamaica Tributaries – Warnerville Pump Station and Force Main

DEP submitted a Notice of Force Majeure on February 15, 2008 to NYSDEC due to unanticipated subsurface conditions encountered by the contractor. DEP has not yet determined the impact this event will have on compliance with the construction completion milestone date. **An update on this Force Majeure event was submitted to DEC in a letter dated August 20, 2008.**

8.0. Status of LTCP Development

According to the Order, the reporting on the progress of the Drainage Basin Specific LTCP and Waterbody/Watershed Plan development shall be included in the first and third quarterly reports of each calendar year beginning in the year 2005 and continuing until all Appendix A requirements have been completed and approved. The Order specifies that the following elements shall be addressed: (1) Characterization, Monitoring, and Modeling of the Combined Sewer System; (2) Public Participation; (3) Consideration of Sensitive Areas; (4) Evaluation of Alternatives; (5) Cost/Performance Considerations; (6) Operational Plan; (7) Maximizing Treatment at the Existing WPCP Treatment Plant; (8) Implementation Schedule; and (9) Post Construction Compliance Monitoring. DEP has submitted all of the required WB/WS Plans to DEC for review.

Waterbody	Percent Completion of each Waterbody/Watershed Plan								
	1 CSS Characterization	2 Public Participation	3 Sensitive Areas	4 Alternatives Evaluation	5 Cost / Performance	6 Operational Plan	7 Maximizing WPCP Treatment	8 Implementation Schedule	9 Post-Construction Monitoring
Alley Creek	100	100	100	100	100	100	100	100	100
Bergen Basin	100	100	100	100	100	100	100	100	100
Bronx River	100	100	100	100	100	100	100	100	100
Coney Island Creek	100	100	100	100	100	100	100	100	100
East River	100	100	100	100	100	100	100	100	100
Flushing Bay	100	100	100	100	100	100	100	100	100
Flushing Creek	100	100	100	100	100	100	100	100	100
Fresh Creek	100	100	100	100	100	100	100	100	100
Gowanus Canal	100	100	100	100	100	100	100	100	100
Hendrix Creek	100	100	100	100	100	100	100	100	100
Hutchinson River	100	100	100	100	100	100	100	100	100
Jamaica Bay	100	100	100	100	100	100	100	100	100
Newtown Creek	100	100	100	100	100	100	100	100	100
Open Waters	100	100	100	100	100	100	100	100	100
Paerdegat Basin*	100	100	100	100	100	100	100	100	100
Spring Creek	100	100	100	100	100	100	100	100	100
Thurston Basin	100	100	100	100	100	100	100	100	100
Westchester Creek	100	100	100	100	100	100	100	100	100

*Reflects % completion of Drainage Basin Specific LTCP

The final Gowanus Canal Waterbody/Watershed Plan was submitted to DEC on August 24, 2008. DEC's comments were incorporated into this report and the responsiveness summary from the DEP/DEC public meeting held earlier this year was included in this final version.

The Coney Island Creek Waterbody/Watershed Plan was submitted to DEC on September 30, 2008. DEC's comments were incorporated into this report and copies are being made available via the LTCP website and local community repositories in preparation for the November 12 DEP/DEC public meeting.

The final Alley Creek Waterbody/Watershed Plan will be submitted to DEC on November 30, 2008. DEC's final comments are incorporated into this final version and the responsiveness summary from the DEP/DEC public meeting held in May 2008 will be included.

The comment letter on the Flushing Bay/Creek Waterbody/Watershed Plan was received by DEP on October 14, 2008.

APPENDIX A

CONSENT ORDER CERTIFICATION LETTERS



DEPARTMENT OF
ENVIRONMENTAL
PROTECTION

96-05 Horace Harding Expressway
Corona, New York 11368

Emily Lloyd
Commissioner

James G. Mueller, P.E.
Deputy Commissioner

Tel. (718) 595-5973
Fax. (718) 595-5999
jmueller@dep.nyc.gov

Bureau of Engineering
Design & Construction

July 30, 2008

Mr. Joseph DiMura, P.E.
Director, Bureau of Compliance
New York State Department of
Environmental Conservation
Division of Water
625 Broadway, 4th Floor
Albany, NY 12233-3500

Re: **Order on Consent (CSO Order)**
DEC Case #CO2-20000107-8
Certification of Final Design Completion of Bronx River CSO /
Floatables Control

Dear Mr. DiMura:

In accordance with Section III F of the above referenced Consent Order for Combined Sewer Overflow (Order), this letter is to certify completion of a final design milestone contained in Appendix A (Milestone X,C,2) for the Bronx River Floatables Control Facilities, by the New York City Department of Environmental Protection (DEP).

In accordance with the definition of design completion set forth in Section III, paragraph H (1) of the Order, approvable plans and specifications are enclosed for your review. A basis of design report is enclosed to facilitate the review of the drawings and specifications.

Also included in this submittal is a preliminary CPM schedule diagram for the Floatables Control Facilities, as shown on drawing number CPM-1.

Approvable plans and specifications are also being provided to Timothy Burns of the NYS Environmental Facilities Corporation and DEC's Region 2 office. Any necessary addenda to these plans and specifications will be provided as they become available. Please contact me at (718) 595-5973 if you have any questions regarding this submittal.

Very truly yours,


James G. Mueller, P.E.
Deputy Commissioner

Enc.



www.nyc.gov/dep

DIAL 311 Government Information
and Services for NYC

cc: w/attachments
Timothy Burns, P.E.
New York State Environmental
Facilities Corporation
625 Broadway
Albany, New York 12207

Gary E. Kline, P.E.
Division of Water
New York State Department of Environmental Conservation
625 Broadway 4th Floor
Albany, NY 12233-3500

Robert Elburn, P.E.
Regional Water Engineer
Division of Water, Region 2
New York State Department of Environmental Conservation
47-40 21st Street
Long Island City, New York 11101

w/out attachments:
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Assistant Corporation Counsel
New York City Law Department
100 Church Street
New York, NY 10007

DEP: E. Rogak, M. Osit, K. Tong, K. Mahoney, D. Chao,
P. Young (H&S), File

New York State Department of Environmental Conservation
Division of Water
Bureau of Water Compliance, 4th Floor
625 Broadway, Albany, New York 12233-3506
Phone: (518) 402-8177 • **FAX:** (518) 402-8082
Website: www.dec.state.ny.us



June 30, 2008

Mr. James G. Mueller, P.E.
Deputy Commissioner
Bureau of Engineering Design and Construction
NYC Department of Environmental Protection
59-17 Junction Boulevard
Flushing, New York 11373-5108

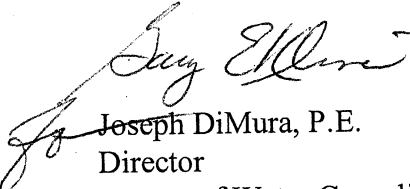
Dear Deputy Commissioner Mueller:

Re: Order on Consent (CSO Order) DEC Case #CO2-20000107-8
Appendix A, II. Outer Harbor CSO, C. Regulator Improvements - Fixed Orifice,
4. Construction Completion

The Department is in receipt of the certification of construction completion dated June 12, 2008, including Mr. Warren Gordon's Professional Engineering Certification for substantial completion of the Outer Harbor Regulator Improvements - Fixed Orifice. A final construction inspection was held November 28, 2007 with your department's construction and operations staff. The final NYC CSO Inspection Report is enclosed. The Department therefore concludes that the requirements of the CSO Order associated with the above milestone have been met.

If you have any questions or concerns regarding this letter, please contact Mr. Gary E. Kline, P.E. at (518) 402-9655.

Sincerely,



Joseph DiMura, P.E.
Director
Bureau of Water Compliance

Enclosure
cc w/enc.:

G. Kline, P.E.
S. McCormick, P.E.
R. Adair, Esq.
R. Elburn, P.E., Region 2
T. Burns, P.E., NYS EFC
J. Olander, P.E., USEPA
K. Mahoney, P.E., NYCDEP
E. Rogak, Esq., NYCDEP
P. Young, P.E., Hazen and Sawyer

NYSDEC Case #CO2-20000107-8

CSO Project Name: Outer Harbor CSO - Regulator Improvements - Fixed Orifice
Appendix A Reference: Appendix A, II.C.4.

Type of Inspection: ☐ Interim ☐ Progress Meeting ☒ Final ☒ Announced ☐ Unannounced
Weather Conditions (temp., precip., winds): Partly cloudy, windy, 38 degrees

<u>Other Attendees:</u>	<u>[Name]</u>	<u>[Representing]</u>	<u>[Phone]</u>
	Gregory Karasik and Sal Campisi	NYCDEP	(718) 448-5826
	John Maria and 3 employees	Delaney Associates Construction	(718) 359-4300

Regulators No. PR-28E, PR-27E, PR-26E, PR-20E and PR-19E inspections were witnessed. The operators were intact and functioned on opening and closing. The screws were not bent. Video inspection was not performed due to lack of staffing and equipment.

Overall Visual Observations on Construction Status and Quality: Construction is completed and the quality observed was good.

Observed Condition of Facility Equipment during Operation: _____
The regulators appeared to be in good working condition. Inspections
were however performed in short order.

List Any Resolved or Unresolved Construction Problems (scheduling, testing, design changes, differing site conditions, equipment delivery, change orders, etc.)

None.

Noted Non-Compliance with the Consent Order: None.

Noted (Non)Compliance with NYSDEC Permits: None.

Anticipated Non-Compliance: (Is CPM more than 60 days behind?) NO.

Signature: _____ Date: _____

Site Wastes Properly Disposed? N/A

Erosion Control Effective? N/A

Observed Site Discharges? N/A

Potential Violation: None.

Referred to DEC? ☐ Yes ☐ No Date and Time of Referral: _____

Resident Engineer/DEP Rep. Resolution for Violation(s): _____

Other: _____

PROJECT IS COMPLETE AND HAS SATISFIED THE CSO ORDER ON CONSENT.

CSO Quarterly Meeting
Newtown Creek WPCP
August 21, 2008

<u>Name</u>	<u>Organization</u>
Peter Young	Hazen and Sawyer
Diane Hammerman	DEP/BWT
Vincent Sapienza	DEP/BWT
Sue McCormick	NYSDEC
Robyn Adair	NYSDEC
Owen Messac	NYSDEC
BOB ELBURN	DEC
Selin T. Southwell	DEC
GARY Kline	NYSDEC - AIB
SCOTT CROSMAN	DEC
William Plache	NYC LAW Dept.
James Mueller	OEP - BEDC
Elizabeth Rogel	DEP-LEGAL
Keith Mahoney	DEP - BEDC
Dorothy Chao	DEP - BEDC
Kevin Clarke	DEP - BEDC
ART SPANGLER	DEP - BWT
Matthew Osit	DEP - BEDC
Michael Barsky	DEP - BEDC

NYSDEC/NYCDEP CSO Consent Order Quarterly Meeting

3rd Quarter 2008

Meeting Minutes

August 21, 2008

*Newtown Creek CM Building
Brooklyn, NY*

The quarterly meeting to discuss issues related to the Combined Sewer Overflow (CSO) Consent Order was held on Thursday, August 21, 2008 at the Newtown Creek CM Building. Dorothy Chao (NYCDEP) welcomed representatives of NYSDEC and NYCDEP to the meeting and presented much of the technical material on behalf of the DEP. The agenda of the meeting and the sign-in sheet are attached.

1. Review of Previous Quarterly Meeting Minutes

Sue McCormick (NYSDEC) offered the following comments on the previous quarter's meeting minutes:

- Item #6 – NYSDEC Permit Reviews – The Paerdegat Basin dredging permit application to remove sediments from the head-end of the basin is due to DEC on December 31, 2008 as per the approved Paerdegat Basin LTCP (DEP responded that work is in progress to collect the field data necessary for the permit application).
- Item #6 – NYSDEC Permit Reviews – Sue McCormick inquired about the status of Gowanus Canal Joint Permit application associated with the planned pure oxygen system that will be used during the Flushing Tunnel construction shutdown period. Kevin Clarke reported that the sampling plan is nearly complete and it would be submitted to DEC shortly. DEC requested that DEP reference any pertinent drawings from the Gowanus Canal Pumping Station and Flushing Tunnel final design package in the permit application to assist DEC's review. DEC requested that four copies of the permit applications be submitted, 3 to the region (LIC) and one to Albany. Also it was requested that an additional set of final design drawings be submitted to LIC to assist in their permit review.
- Item #9 – DEC requested an update on their proposal to transfer the NHT funds to the Hudson River Foundation (HRF). DEP proposed an alternate to HRF. The DEP proposal was to have the NHT funds transferred into the modified CSO Consent Order's existing Environmental Benefits Program (EBP).

2. Discussion of 2nd Quarter 2008 Citywide CSO Progress Report and Milestones

Sue McCormick had the following comments on the 2nd Quarter Report:

- No status on the permitting activities was given for the Avenue V Pumping Station & Force Main construction work; this information should be reported in future CSO Quarterly Reports.
- An update on the modified CSO Order EBPs should be provided in the Quarterly Report.

Three milestones for this quarter were successfully achieved, consistent with the CSO Consent Order that included:

- Final design completion for the Newtown Creek throttling facility. The milestone in the order is June 2008, it was achieved December 2007.
- Notice to proceed (NTP) to construction for sewer cleaning in the 26th Ward drainage area. The milestone in the order is June 2008; it was achieved January 2008.
- Submit drainage plan for Laurelton & Springfield Boulevard. The modified milestone granted by DEC was May 2008, it was achieved May 2008.

Milestones that NYCDEP identified for consideration for potential modification included:

- NTP and construction completion of the dredging of Hendrix Creek. (*Note: DEC granted this modification on August 15, 2008*).
- NTP and construction completion of the Shellbank Basin Destratification Facility due to an unanticipated permit stipulation by DEC.
- All milestones associated with the expansion of wet weather capacity at the Jamaica WPCP as detailed in DEP's technical justification dated June 26, 2008.
- Submittal of an approval LTCP for the Bronx River because DEC is yet to approve the June 2007 WB/WS Plan.

Two milestones are to be met in the coming quarter:

- The milestone for the construction completion of the Outer Harbor regulator improvements in July 2008. This milestone was achieved in November 2007.
- The milestone for final design completion of the Bronx River floatables control facilities in July 2008. (This milestone was achieved in July 2008).
- DEP will also submit, as requested by DEC, the final design documents for the Gowanus Pumping Station and Flushing Tunnel Upgrade during the next quarter. This is not a milestone under the Order, but a request by DEC's letter dated June 12, 2008. (*Note, this was submitted to DEC in August, 2008*)

3. Status of Specific Consent Order Projects

A Paerdegat Basin Foundations/Substructures

The 4B contractor was defaulted by the DEP on December 6, 2007. The Surety received bids on the remaining 4B work on May 23rd. No bids were received for the civil work and two bids were received for the marine work. Critical 4B work has been transferred by DEP to the 5G contractor (Skanska) via change order. Mike

Borsykowsky stated that negotiations are ongoing between the Surety and Skanska that may result in transferring most of the remaining civil and marine work via a new contract with the Surety

DEC asked when they would receive the revised Form 2A application for the Paerdegat Facility. BWT indicated that they were working on the revisions to the application and would provide the 2A application to DEC.

B Shellbank Basin Destratification

The destratification pilot facility is currently online and DEP intends to continue to operate it seasonal until the permanent facility is completed. Additional water quality data requested by DEC is being collected weekly and shared with DEC. Sampling will continue until mid-September. DEP noted that all subsequent milestones are contingent upon DEC permit approval, and a modification to these milestones was applied for in a formal modification request letter dated June 6, 2008.

4. Force Majeure

A force majeure was identified in November 2007 for the Alley Creek facility due to unanticipated subsurface conditions. During excavation, the 36 inch influent sewer to the Old Doug Pumping Station was discovered to be in a deteriorated state requiring replacement. The contractor has recently agreed to proceed with this sewer work “at risk”, while the change order is being registered. DEP transmitted an update to the force majeure the day prior to the meeting. DEC did not have the opportunity to review the update letter prior to the meeting. DEC inquired as to the status of the approval of the change order and the change order work. DEP replied that the change order is close to registration and that the contractor has completed the change order work (i.e. sewer work). Sue McCormick disagreed with DEP’s assessment stating that DEC had been out at Alley Creek that morning and only 50% of the sewer work was completed.

(Note: After the meeting, DEP checked on the status of the work. The Alley Creek site manager reported that the gravity by-pass sewer has been completed.)

A force majeure was identified via a December 2007 letter for unanticipated subsurface conditions and the discontinuation of equipment by a manufacturer for the Inner Harbor Inline Storage project. Specifically, the manufacturer is no longer producing the specified dam and abandoned ConEd oilostatic lines were found in the work area. To mitigate these issues, DEP had the contractor reroute the lines, the design of the dam has been modified for a substitute manufacturer’s equipment, and shop drawings for a substitute manufacturer are currently under review. DEP will be submitting an update on this force majeure at the end of August.

For the Outer Harbor throttling facility, a Notice of a Force Majeure event was transmitted November 2007 due to unanticipated subsurface conditions. Unanticipated excessive groundwater required additional wells. Kevin Clarke (NYCDEP) stated that DEP has been working with the Contractor to solve the problem and two additional wells were recently placed in the excavation. ConEd is currently on site supplying the

additional power needed to run the pumps. DEP will be submitting an update on this force majeure at the end of August.

On the Meadowmere and Warnerville DWO abatement project, a Notice of a Force Majeure event was transmitted February 2008 due to unanticipated subsurface conditions. Below ground interferences resulted in the contractor losing the drill shaft while horizontal direction drilling the force main. The contractor has recently agreed to proceed with this sewer work “at risk”, while a change order is being registered. An additional Notice of a Force Majeure event was transmitted in March 2008 due to unanticipated subsurface conditions. Abandoned sheeting in the path of the microtunneling slowed the progress of the contractor. DEP will be submitting an update on this force majeure at the end of August.

5. Modification Requests

For the Hendrix Creek dredging work, DEP submitted a modification requested based on a requirement by DEC to change the containment cap design. DEC approved the mod request during the quarter and the dredging permit was issued on August 15, 2008. Based on the effective date of permit, the revised milestones are as follows: NTP 8/15/09, construction completion 8/15/10.

On Shellbank Basin, a modification was submitted to account for the DEC request for additional water quality data during the summer of 2008 to support a decision on the permit application. The mod request was submitted to DEC on June 9, 2008.

For the modification request on the expansion of the wet weather capacity of the Jamaica WPCP, after discussion at the meeting DEP and DEC agreed to submit a new modification request that defers consideration of eliminating the wet weather expansion of the Jamaica WPCP. The mod request will add the sewer improvements recommended by DEP as a new element to Appendix A of the Order, with completion of construction by June 2015. The dates for the wet weather expansion in Appendix A will be removed and a determination will be made, after several years of post construction monitoring of the sewer system improvements, if a wet weather expansion of the plant will result in additional cost-effective CSO reduction.

DEC requested that the Newtown Creek modification request be presented for the legal team at the next yet to be scheduled bimonthly technical meeting. (Dorothy Chao and Sue McCormick will coordinate this meeting for late September)

6. NYSDEC Permit reviews

Hendrix Creek: The permit was publically noticed in the Daily News on July 3rd and DEC granted the permit on August 15, 2008. DEP noted that the permit condition added by DEC requires extensive and costly post-construction sampling. DEP stated that for future dredging permits for other CSO tributaries, they would not agree to perform such extensive monitoring and believe that the data collected at Hendrix Creek

would be used by DEC permit writers for future dredging permits in other CSO waterbodies in NYC. DEC agreed with DEP's assessment and conclusions.

Dewatering for Avenue V Force Mains: Kevin Clarke noted that DEP is nearly complete with its review of the Long Island Well Permit that the contractor submitted. Selvin Southwell noted that DEC is drafting the SPDES permit in parallel with DEP responding to the NOIA. Kevin Clarke noted the Contractor is submitting a finalized dewatering plan tomorrow.

Gowanus: Kevin Clarke restated that the sampling plan associated with the Joint Permit application for the oxygenation system is complete. DEC will provide more detail on the purpose of this interim oxygenation measure during the public notice so that the community is aware of this additional mitigation measure

Inner Harbor ILS: Sue McCormick reported that the LI Well Permit for this project allowed for 288,000gpd, however, the contractor had been extracting, at times, up to 400 to 500,000 gpd. Kevin Clarke noted that approval for the additional dewatering was granted by BWT and BWSO for discharge into the City's collection system and a modified LI Well Permit was submitted as well as responses to DEC's NOIA. Sue McCormick noted that an additional NOIA was circulated at DEC and DEP would receive it shortly. *(Note: In a subsequent email to DEP a day after the meeting, Sue McCormick corrected this statement. There is not another NOIA for the project at this time. A Notice of Availability for Review (NOAR) is being circulated at DEC not a NOIA.*

7. Status of DEC Reviews of WB/WS Reports and Resource Planning

DEP reported that DEC comments have been received for the Jamaica Bay, Gowanus Canal, Coney Island Creek, and Alley Creek WB/WS Plans. Revised plans are being submitted for Gowanus Canal on August 30th, Coney Island Creek on September 30th and Alley Creek on November 30th.

DEC reported that their reviews continued. Comments for Flushing Bay and Creek have been drafted by DEC. DEC is awaiting DEP's modification request prior to transmitting their Newtown Creek comments and awaits the technical memo for the Hunts Point collection system from DEP prior to formalizing comments on Bronx River, Hutchinson River and Westchester Creek. DEC also plans to publicly notice the final Gowanus Canal WB/WS Report and responsiveness summary and project approval of the WB/WS Plan by Thanksgiving.

8. NHT Funds

Discussed previously under 1. Review of Previous Quarterly Meeting Minutes

9. IEMs

DEC proposed transferring the Independent Environmental Monitor program from NEI to the State of New York due to the inability to attract and retain candidates. DEP and DEC Legal agreed to discuss this further. DEC to provide a proposal.

10. Miscellaneous

DEP reported that John McLaughlin of BEPA is drafting a request for grants for the EBP funds.

The next quarterly meeting is scheduled for November 20, 2008 at the Newtown Creek WPCP at 1 PM.

**NYSDEC/NYCDEP Quarterly CSO Consent Order Meeting
Thursday August 21, 2008**

Newtown Creek WPCP
Brooklyn, NY
1:00 PM

AGENDA

- 1) Review of Previous Quarterly Meeting Minutes
- 2) Discussion of 2nd Quarter 2008 Citywide CSO Progress Report and Milestones
- 3) Status of Specific Consent Order Projects
 - a. Paerdegat Basin Foundations/Substructures
 - b. Shellbank Basin Destratification
- 4) Force Majeure
 - a. Alley Creek CSO Retention Facility
 - b. Inner Harbor In-Line Storage
 - c. Outer Harbor Throttling Facility
 - d. Meadowmere & Warnerville DWO Abatement
 - e. Others (Concrete Strikes, Weight Limitations on Bridges, Hurricanes Katrina & Rita)
- 5) Modification Requests
 - a. Hendrix Creek Dredging -submitted
 - b. Jamaica WPCP Wet Weather Expansion - submitted
 - c. Shellbank Basin Destratification -submitted
 - d. Newtown Creek – pending
- 6) DEC Permits
 - a. Hendrix Creek Dredging Approval Status
 - b. Dewatering for Ave V Force Mains
- 7) Status of DEC Reviews of WB/WS Reports and Resource Planning
- 8) NHT Funds
- 9) IEMs
- 10) Miscellaneous